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HEARINGS RELATING TO H.R. 4700, TO AMEND
SECTION 11 OF THE SUBVERSIVE ACTI-
TIES CONTROL ACT OF 1950, AS AMENDED
(THE FUND FOR SOCIAL ANALYSIS)

11 Congressional
HEARINGS,,

BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,,
HOUSE OF REPRESENTATIVES

11
EIGHTY-SEVENTH CONGRESS

FIRST SESSION

MAY 31, JUNE 7, AND AUGUST 16, 1961

INCLUDING INDEX

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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FRANK S. TAVENNER, JR., *Director*

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 87TH CONGRESS

House Resolution 8, January 3, 1961

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(r) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

The Fund for Social Analysis and its officers were the subject of hearings by the Committee on Un-American Activities starting on May 31, 1961. Officers of this organization were subpoenaed to produce correspondence and records of account, because an investigation conducted into the activities of The Fund for Social Analysis indicated that it was being operated as a Communist propaganda organization.

The hearings confirmed that the organization, typical of a Communist organization as described in the chairman's opening statement, maintained no files or correspondence, no records of contributions, no records of disbursements, other than grants. Even in respect to grants the checkbook stub and canceled checks submitted by the treasurer, Irving Kaplan, failed to reflect any payment to one Paul A. Baran, to whom the organization claimed it had awarded \$1500.

Dr. Annette T. Rubinstein, secretary for The Fund for Social Analysis, had been subpoenaed to produce certain documents of the organization that would normally be in the custody of an organizational secretary. When asked to produce these documents in compliance with the subpoena, she stated that none were in her possession at the time she was served. She refused to testify as to whether the documents were ever in her possession or whether she, as secretary of the organization, ever prepared certain documents called for in the subpoena. Dr. Rubinstein also refused to answer questions with respect to the identity of individuals responsible for the formation of the organization; questions with respect to its officers; questions with respect to her knowledge of individuals selected to receive grants, including whether or not she knew Herbert Aptheker, the recipient of an award of \$1000 from The Fund for Social Analysis, was a member of the National Committee of the Communist Party at the time the grant was made to him. She likewise refused to answer questions relating to her membership in the Communist Party, as well as to her relationship with the now defunct Communist-controlled Jefferson School of Social Science.

Irving Kaplan, treasurer, was subpoenaed to produce books of account of the Fund. After refusing to identify himself as the treasurer of the organization or his signature as filed with The Amalgamated Bank of New York, Kaplan produced bank statements, canceled checks, and the bank book of The Fund for Social Analysis. He refused to testify in response to questions relating to receipts and disbursements. Kaplan refused to answer questions relating to his membership in the Communist Party.

Harry Samuel Magdoff, president, was subpoenaed to produce the documents also sought from Secretary Rubinstein and Treasurer Kaplan. Like his fellow officers, he claimed that no records were in his possession at the time his subpoena was served upon him. Similarly, he refused to answer questions as to whether the documents were ever in his possession. He also refused to answer questions as to the identity

of other persons who might possess the documents subpoenaed by the committee. It was evident from the testimony of the organization officers, including its president, that no permanent records were ever maintained by The Fund for Social Analysis. Magdoff refused to answer all questions relating to the identity of individuals responsible for the formation of the organization. He refused to testify about his membership in the Communist Party and also as to the knowledge he possessed of the Communist affiliations of those individuals identified in the organization's publications as members of its Awards Committee.

The Awards Committee, according to official publications of The Fund for Social Analysis, was responsible for the consideration of applications and the granting of awards. It was comprised of the above officers and also the following individuals who were subpoenaed before the committee: Stanley Moore, Russell Nixon, and Barrows Dunham. These responsible associates of The Fund for Social Analysis refused to answer most questions asked them by the committee for the purpose of ascertaining the procedures followed in the granting of awards. Moore and Nixon refused to testify as to their membership in the Communist Party.

Herbert Aptheker, who received a grant of \$1000 from The Fund for Social Analysis, was also subpoenaed. Aptheker refused to answer questions relating to (1) his membership on the National Committee of the Communist Party, (2) editorship of the Communist publication Political Affairs, and (3) directorship of the latest Communist indoctrination vehicle, The New York School for Marxist Studies. Aptheker refused to answer questions with respect to the Communist-controlled schools, the Jefferson School of Social Science and the Faculty of Social Science.

Isidore Gibby Needleman operated a law office in Suite 2800, 165 Broadway, New York City. This was the address of The Fund for Social Analysis, according to its official publications. Officers of the Fund questioned about their organizational set-up refused to answer questions relating to the Fund's use of the law office of Mr. Needleman.

The committee subpoenaed John Lautner, a former official of the Communist Party of the U.S., and questioned him about his knowledge of Isidore Needleman. Lautner, appearing in executive session, not only identified Needleman as a member of the Communist Party but as one of its functionaries who approached him in 1948 or 1949 seeking special consideration for a Communist named Miriam Moskowitz. At that time, Lautner headed the Control Commission of the New York State Communist Party which was considering the expulsion of Miriam Moskowitz. According to Lautner's testimony, Needleman urged that the expulsion charges against Miriam Moskowitz be dropped, assuring Lautner that she was engaged in an important party assignment.

It will be noted from Needleman's testimony that he charged the committee with attempting to smear but, at the same time, refused to answer questions relating to his membership in the Communist Party and also refused to answer any question based on the sworn testimony of John Lautner. It will be further noted that Needleman improperly invoked attorney-client relationship as his reason for refusing to answer many questions relating to his knowledge of the operation of The Fund for Social Analysis.

HEARINGS RELATING TO H.R. 4700, TO AMEND SECTION 11 OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950, AS AMENDED

(The Fund for Social Analysis)

WEDNESDAY, MAY 31, 1961

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a.m., in the Caucus Room, Old House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman of the committee) presiding.

Subcommittee members: Representatives Francis E. Walter, of Pennsylvania, chairman; Morgan M. Moulder of Missouri; and Gordon H. Scherer, of Ohio.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Morgan M. Moulder, of Missouri; Clyde Doyle, of California; Edwin E. Willis, of Louisiana; William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; and Henry C. Schadeberg, of Wisconsin. (Appearances as noted.)

Staff members present: Frank S. Tavenner, Jr., director, and Donald T. Appell, investigator.

(Present at opening of hearing: Representatives Walter, Doyle, Scherer, and Schadeberg.)

The CHAIRMAN. The subcommittee will be in order.

Many hearings held by the committee over the past several years have documented the volume of Communist propaganda being printed in the Soviet Union and its satellite countries for dissemination in the United States. The methods used to import this propaganda have also been documented. In an effort to curb this abuse, I have offered H.R. 5751, which is presently on the Consent Calendar. This bill is identical with the one which passed the House in the 86th Congress, but did not reach a vote in the Senate.

We do not believe that Communist propaganda will be fully controlled by this bill, or for that matter by any bill. A Communist propaganda offensive is being waged both from without and from within this country in many different fields, and this committee has endeavored and will continue in its efforts to aid the Congress in its consideration of necessary remedial legislation to control this Communist weapon.

Prior to 1947, scores of Communist-front organizations, engaged in propaganda activities, enjoyed tax-exempt status. Moneys donated to such organizations were deductible on the income tax returns of individual and corporate donors. In 1947, the Commissioner of Internal Revenue, acting on the findings of the Attorney General, removed the tax-exempt status of those organizations which the Attorney General found to be subversive.

This was thought to be the coup which would fold most of these subversive organizations, but, as we know, it did not. Most of the organizations continued to flourish even at the start with a reduced budget. It was not until organizations were found to be subversive by the Subversive Activities Control Board that many ceased to exist, at least under the name by which they had been known for years.

(At this point Mr. Moulder entered the hearing room.)

The CHAIRMAN. However, even such a finding did not bring about the demise of the American Committee for Protection of Foreign Born. Newly named organizations are cropping up daily to replace those which have served their purpose.

None of these propaganda organs died from the lack of income. They were discontinued because they had served their purpose or because the citation as subversive removed their acceptability to the general public.

Years have now passed since the Attorney General has cited an organization as subversive. The limitation placed upon his office by the courts is having the effect of stopping further citations. The courts' delay in passing upon the provisions of the Subversive Activities Control Act of 1950, and the years it takes between a hearing before the Subversive Activities Control Board and the issuance of a final order, have all worked to the advantage of Communist organizations. Therefore, the Commissioner of Internal Revenue needs authority to deny tax relief to these organizations immediately upon their formation.

However, denial of tax exemption has not, and will never bring about the elimination of propaganda organizations. Preliminary investigations by the committee have uncovered the fact that one organization has solicited over the period of less than 5 years, over a quarter of a million dollars. This money has been used almost exclusively in the dissemination of propaganda in defense of the Communist Party and its members, and in the furtherance of Communist Party objectives. Its principal income has not been taxable because it is derived from gifts or contributions. The organization does not seek tax exemption. It files a return which excludes gifts or contributions from tax computation. Thus, the expenses exceed the taxable income and no tax is due the United States.

We have found that many organizations engaged in subversive propaganda do not bother to even file a return. They likewise do not bother to maintain records and thereby place a burden on the Internal Revenue Service of proving the amount of income received and the source thereof. In the case of one organization, when the Internal Revenue Service made inquiry as to why no return had been filed, it refused to make its records available for examination. By the time the Internal Revenue Service demanded the production of the records, the organization had been abolished. Within months the

same people, organized under a new name, were back working on behalf of communism.

Based on this preliminary evidence, I introduced H.R. 4700, to amend section 11 of the Subversive Activities Control Act of 1950. This legislation is designed to place in the hands of the Internal Revenue Service authority to proceed immediately against Communist action, as well as Communist-front, organizations. It further provides that contributions made to such organizations shall be considered as taxable income, and further, that money expended in carrying out subversive propaganda shall not be deductible.

The purpose in calling the officers of The Fund for Social Analysis is to determine whether the organization is using funds contributed to it for Communist propaganda purposes or other Communist Party objectives, and if so, whether or not the use of funds for such purposes by this and other organizations justifies the enactment of H.R. 4700, which has been referred to this committee.

An additional purpose of the hearing is to ascertain whether or not the witness, aside from any relationship he might have with The Fund for Social Analysis, is engaged in activities in behalf of the Communist Party of the United States or the international Communist movement.

The committee is not in any sense interested in restricting bona fide research and study of communism. In fact, it has encouraged an objective study and teaching of communism, so that America may better understand the problems that communism poses throughout the world.

Among the witnesses subpoenaed are three officers of The Fund for Social Analysis, who have been served with a subpoena duces tecum requiring the production of certain records. The production of these records is being sought for the purpose of aiding the staff in the conduct of its investigations and not for the purpose of spreading them on the public record.

Mr. Tavenner, let the resolution authorizing the hearings and the appointment of the subcommittee be made a part of the record.

(The documents referred to follow:)

MARCH 1, 1961.

Be it resolved, That hearings by the Committee on Un-American Activities, or subcommittees thereof, be held at such places and times as the chairman may designate, for the purpose of considering and acting upon H.R. 4700, referred to this committee, amending the text of Section 11 of the Subversive Activities Control Act of 1950, as amended, relating to:

(1) Deductions for Federal income tax purposes in the case of contributions to or for the use of any Communist organization;

(2) Deductions for Federal income tax purposes under the Internal Revenue Code of 1954, on the part of Communist organizations;

(3) Exemption to Communist organizations from Federal income tax under such code; and

(4) The inclusion of gifts of funds or services on the gross income of any Communist organization.

Be it further resolved, That the staff of the committee is authorized to conduct such investigations as the chairman may deem reasonably necessary in preparation for said hearings.

Be it further resolved, That hearings may be conducted on any other matters within the jurisdiction of the committee, which it, or any subcommittee thereof, appointed to conduct these hearings, may designate.

MAY 31, 1961.

To: Mr. Frank S. Tavenner, Jr.,
Director,
House Committee on Un-American Activities.

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Hon. Gordon H. Scherer and Hon. Morgan M. Moulder, as associate members, and myself, as Chairman, to conduct hearings in Washington, D.C., beginning on the 31st day of May, 1961, on H.R. 4700, and other subjects under investigation by the Committee, and take such testimony on said day or succeeding days as it may deem necessary.

Please make this action a matter of Committee record.

If any member indicates his inability to serve, please notify me.

Given under my hand this 31st day of May, 1961.

/s/ Francis E. Walter,
FRANCIS E. WALTER,

Chairman, Committee on Un-American Activities.

The CHAIRMAN. Call your witness.

Mr. TAVENNER. Dr. Annette T. Rubinstein, will you come forward, please? Will you swear the witness, Mr. Chairman?

The CHAIRMAN. Will you raise your right hand, please? Will you stand?

Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Miss RUBINSTEIN. I do.

**TESTIMONY OF ANNETTE T. RUBINSTEIN, ACCOMPANIED BY
COUNSEL, ISIDORE NEEDLEMAN**

Mr. TAVENNER. Will you please state your name, your residence, and your occupation?

Miss RUBINSTEIN. My name is Annette T. Rubinstein. I live at 59 West 71st Street, New York City. I am a writer and lecturer.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. NEEDLEMAN. Isidore Needleman, 165 Broadway, New York City.

Mr. TAVENNER. Mrs. Rubinstein?

Miss RUBINSTEIN. Miss.

Mr. TAVENNER. I hand you a document which the committee procured through a subpoena duces tecum, entitled "Certificate of Authority for Unincorporated Association Account."

Will you examine it please, and state whether or not your name is signed to it as secretary of The Fund for Social Analysis?

Miss RUBINSTEIN. I decline to answer the question on the grounds of the first amendment, and the fourth and the fifth, and the impertinency of the request.

Mr. TAVENNER. Mr. Chairman, I offer the document in evidence and ask that it be marked "Rubinstein Exhibit No. 1."

The CHAIRMAN. Make it a part of the record.

(Document marked "Rubinstein Exhibit No. 1" follows:)

RUBINSTEIN EXHIBIT No. 1

Certificate of Authority for Unincorporated Association Account

I, Annette T. Rubinstein, hereby certify that
 I am Secretary and the official custodian of certain records, including the By-Laws
 (Official Title)
 and the minutes of the meetings of the members and the Administrative Committee
 of the Fund for Social Analysis, an unincorporated association
 (Name of Organization)
 doing business in New York State; that The Amalgamated Bank of
 (Name of State)
 New York has been designated as a depository of this Association, the officers of which elected to
 hold office until their successors are elected, are:

NAME

TITLE

SPECIMEN SIGNATURE

<u>Harry Maydoff</u>	<u>President</u>	<u>Harry Maydoff</u>
<u>Irving Kaplan</u>	<u>Treasurer</u>	<u>Irving Kaplan</u>
<u>Annette T. Rubinstein</u>	<u>Secretary</u>	<u>Annette T. Rubinstein</u>

and that these officers are empowered to withdraw funds by checks, drafts or orders signed in the following manner:

NUMBER TO SIGN Two

TITLES OF OFFICERS

EMPOWERED TO SIGN

President, Treasurer, Secretary

WITNESS my hand and the official seal of this Association this thirteenth day of
November, 1958.

Annette T. Rubinstein
 (Signature and Official Title) Sec.

I, President of The Fund for Social Analysis, do hereby certify
 that on the 14th day of November, 1958, Annette T. Rubinstein
 who signed and attested the foregoing, was and now is the duly qualified and acting
Secretary of said Association and that she was and is duly authorized by the by-
 laws to certify to the proceedings of the members and the Board of Directors of said Association,
 and to affix the seal of said Association to such certificate.

Harry Maydoff
 (President)

SEAL

APPROVED

TO BE SIGNED BY
 THE RETIRING OFFICERS

Mr. TAVENNER. I would like to read it into the record.

I, Annette T. Rubinstein, hereby certify that I am Secretary and the official custodian of certain records, including the By-Laws and the minutes of the meetings of the members and the Administrative Committee of The Fund for Social Analysis, an unincorporated association doing business in New York State; that The Amalgamated Bank of New York has been designated as a depository of this Association, the officers of which elected to hold office until their successors are elected, are: Harry Magdoff, President—

with a signature appearing opposite the name—

Irving Kaplan, Treasurer—

with a signature in the name of Irving Kaplan opposite that name—

Annette T. Rubinstein, Secretary—

with a signature opposite that name—

and that these officers are empowered to withdraw funds by checks, drafts or orders signed in the following manner: Number To Sign, Two. Titles of Officers Empowered To Sign, President, Treasurer, Secretary. Witness my hand and the official seal of this Association this thirteenth day of November 14, 1958. Annette T. Rubinstein, Secretary.

Mrs. Rubinstein—

Miss RUBINSTEIN. Miss Rubinstein, please.

Mr. TAVENNER. Excuse me. Miss Rubinstein, will you examine the document again and state whether or not the signature appearing after the name "Annette T. Rubinstein, Secretary," is your signature?

Miss RUBINSTEIN. I decline to answer that question again on the grounds of a lack of pertinency of the first amendment, the fourth amendment, and the fifth amendment.

Mr. TAVENNER. Dr. Rubinstein, there was served upon you a subpoena duces tecum requiring the production of certain documents, the return on which shows that you were served by Mr. Raymond T. Collins, an investigator of the staff of the Committee on Un-American Activities on May 24, 1961.

I desire to offer the return of the subpoena in evidence and have it marked "Rubinstein Exhibit No. 2."

The CHAIRMAN. So ordered.

(Document marked "Rubinstein Exhibit No. 2" and retained in committee files.)

Mr. TAVENNER. The first item called for by the subpoena, and I may say this subpoena is issued to you as secretary of The Fund for Social Analysis, is "All minutes of the meetings of the Awards Committee of The Fund for Social Analysis from January 1, 1958, to date."

Please produce those records.

Miss RUBINSTEIN. Those records were not in my possession at the time when the subpoena was served and have not been in my possession since; so that I have not produced them.

Mr. TAVENNER. Where are they?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. To the best of my knowledge and belief there are no such records. If such records do exist I have no idea where they are.

Mr. TAVENNER. Did you prepare minutes of the meeting of the Awards Committee?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I had no such records at the time when I was served with the subpoena and I have had none since. As to any other part of that question, I decline to answer on the grounds of the first, and the fifth, and the fourth.

Mr. TAVENNER. May I have a direction that the witness be directed to answer?

The CHAIRMAN. You are directed to answer the question, Miss Witness.

Miss RUBINSTEIN. I decline to answer on the grounds of the first, fourth, and fifth amendments.

The CHAIRMAN. Prior to the service did you have such records?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer that question on the same grounds.

The CHAIRMAN. Did you ever have records such as have been described?

Miss RUBINSTEIN. I decline to answer that question on the same grounds.

Mr. TAVENNER. I think there should be a direction to answer.

The CHAIRMAN. You are directed to answer the question.

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first, fourth, and fifth amendments.

Mr. TAVENNER. The second item called for in the subpoena duces tecum—

Mr. SCHERER. Pardon me. Did you have such records the day before you were served with the subpoena?

Miss RUBINSTEIN. Well, I have just declined to answer the question.

Mr. SCHERER. I understand that.

Miss RUBINSTEIN. As to whether I ever had such records, which would include the day before, wouldn't it?

Mr. SCHERER. Did you have such records a week before the subpoena was served?

Miss RUBINSTEIN. I have just declined to answer that question as to whether I ever had such records, which would include the week before, wouldn't it?

Mr. SCHERER. Did you ever have such records?

Miss RUBINSTEIN. "Ever" includes a day, a week, a month, a year, any amount of time you wish to name. The answer is the same. I just declined it so that it would include any such period of time, "ever," prior to the subpoena or since.

Mr. TAVENNER. Dr. Rubinstein, Exhibit No. 1 shows that you were the keeper of the minutes of the Administrative Committee of The Fund for Social Analysis, and the subpoena has required your production as Item 2:

All minutes of the meetings of the Administrative Committee of The Fund for Social Analysis relating to grants and/or awards, from January 1, 1958, to date.

Produce them, please.

Miss RUBINSTEIN. Well, that seemed to have two parts. As far as the records, I do not have and did not have at the time the subpoena was served, and have not had since, any such records, but you said it showed I was the keeper of records.

May I see that again, please?

(The document was handed to the witness.)

Mr. TAVENNER. Yes, you so certified.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Thank you.

Mr. NEEDLEMAN. Will the record show what date that was?

Mr. TAVENNER. The document showed that it was dated in 1958, November 14, 1958.

The CHAIRMAN. It is a part of the record.

Mr. TAVENNER. Will you answer the question, please?

Miss RUBINSTEIN. I did not have at the time the subpoena was served, and have not had since, the documents referred to in the second listing and have therefore not produced them.

Mr. SCHERER. Do you know who has those records now?

Miss RUBINSTEIN. I have no knowledge as to where those records, if they exist, are.

Mr. DOYLE. May I ask a question, Mr. Chairman?

The CHAIRMAN. Yes, Mr. Doyle.

Mr. DOYLE. I notice, Miss Rubinstein, about three times now you have said: "I did not have those records in my possession at the time." When did you have them in your possession?

You have emphasized that very clearly in your answers. You recognize that. We do, too. Your answer is you did not have them in your possession at the time you were subpoenaed. When did you have them in your possession?

Miss RUBINSTEIN. Well——

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Well, as to that question I have declined to answer on the grounds of the first, the fourth, and the fifth amendment. I understand that legally I am bound to answer as to whether or not I had the records in my possession when I was served. Therefore I was careful to use what I was told was the correct legal form there.

Mr. DOYLE. When did you dispose of the records that you had—one time had—into somebody else's possession?

Miss RUBINSTEIN. That makes an assumption that I cannot accept but, aside from that, I decline to answer the question on the grounds of the first, fourth, and fifth.

You assume I had the records which I have not said. You assume I disposed of them which I have not said, but I am not bound to answer on the grounds of the first, fourth, and fifth.

Mr. DOYLE. I assume from your answer that you at one time had them.

Miss RUBINSTEIN. That would be a false assumption but I am not bound to answer that.

Mr. DOYLE. I do not think it would be false.

The CHAIRMAN. Go ahead.

Mr. TAVENNER. Did you destroy these records that have been called for as Items 1 and 2?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I had no such records at the time of the subpoena, have had none since, had destroyed no records at the time or since the time of the subpoena. I decline to answer the question as to any prior period on the grounds of the first, fourth, and fifth amendments.

Mr. TAVENNER. May I have a direction that the witness answer the question?

The CHAIRMAN. You are directed to answer the question.

Miss RUBINSTEIN. I decline to answer the question on the grounds of the first, fourth, and fifth amendments.

Mr. SCHERER. Did you destroy the records at any time?

Miss RUBINSTEIN. I have just declined to answer that question, sir.

Mr. SCHERER. No, you have not.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Since the service of the subpoena I have destroyed no records. I had no records at the time of the service of the subpoena and I have had none since. As to any prior time I have declined to answer the question on the constitutional grounds.

Mr. SCHERER. I ask that you direct the witness to answer the question as to whether she destroyed these records prior to the service of the subpoena.

The CHAIRMAN. You are directed to answer the question.

Miss RUBINSTEIN. I decline to answer the question on the grounds of the protection afforded by the first, fourth, and fifth amendments of the Constitution.

The CHAIRMAN. Proceed.

Mr. TAVENNER. Did any officer of The Fund for Social Analysis direct you to make a disposition of these records in such a manner that they would not be available here to this committee?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. No, there was never at any time such a direction.

Mr. TAVENNER. Did you reduce the action taken by the Administrative Committee of The Fund for Social Analysis to written minutes at any time?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first, fourth, and fifth amendments.

(At this point Mr. Tuck entered the hearing room.)

Mr. TAVENNER. The third item called for in the subpoena is:

Copies of all letters or memoranda from The Fund for Social Analysis and/or any of its officers, agents or employees, to individuals, corporations or associations, relating to donations and/or loans made to The Fund for Social Analysis from January 1, 1958, to date.

Please produce the records.

Miss RUBINSTEIN. I had no such records in my possession at the time of the service of the subpoena and have had no such records in my possession, and have therefore not produced them.

Mr. TAVENNER. What did you do with the records?

Miss RUBINSTEIN. This makes a false assumption again.

Mr. TAVENNER. Please answer the question.

What did you do with them?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline on the grounds of the first, fourth, and fifth amendments.

Mr. TAVENNER. I think the witness should be directed to answer the question, Mr. Chairman. I think there should be a direction to answer the question.

The CHAIRMAN. You are directed to answer the question.

Miss RUBINSTEIN. I have had no such records since the subpoena was served.

As to the prior time I have already declined on the grounds of the first, fourth, and fifth amendments and I do so again.

Mr. TAVENNER. The fourth item in the subpoena duces tecum is:

All letters or memoranda received from individuals, corporations or associations to The Fund for Social Analysis and/or any of its officers, agents or employees, relating to donations and/or loans, to The Fund for Social Analysis, from January 1, 1958, to date.

Please produce them.

Miss RUBINSTEIN. I had no such records at the time of the service of the subpoena and have had no such records since, and I have, therefore, been unable to produce them.

The CHAIRMAN. I am assuming that you destroyed all of these records. Is this assumption correct?

Miss RUBINSTEIN. I have destroyed no records since the time of the service of the subpoena. On any prior time I decline to answer on the grounds of the first, fourth, and fifth and point out that a declination does not imply an affirmative answer.

Mr. TAVENNER. I think the witness should be directed to answer, Mr. Chairman.

The CHAIRMAN. You are directed to answer that question.

Miss RUBINSTEIN. I have already answered and repeat my answer.

Mr. TAVENNER. Item 5 of the subpoena requires the production of—

All applications, letters or memoranda from individuals addressed to The Fund for Social Analysis and/or any of its officers, agents or employees, seeking grants or awards of money from The Fund for Social Analysis, from January 1, 1958, to date.

And Item 6 provides for the production of—

Copies of all letters or memoranda of The Fund for Social Analysis, or any of its officers, agents or employees, relating to grants or awards or money by The Fund for Social Analysis, from January 1, 1958, to date.

Please produce those records.

Miss RUBINSTEIN. I had no such records in my possession at the time of the service of the subpoena and have had no such records since, and have therefore been unable to produce them.

Mr. SCHERER. Do you know who had possession of those records at the time the subpoena was served upon you?

(The witness conferred with her counsel.)

Mr. NEEDLEMAN. May I hear that question again?

Mr. SCHERER. Do you know who had possession of those records at the time the subpoena was served on you?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first, fourth, and fifth amendments.

Mr. SCHERER. Do you know where those records are today?

(The witness conferred with her counsel.)

Mr. SCHERER. Do you have any knowledge as to where those records are today?

Miss RUBINSTEIN. No, I have no knowledge whatsoever as to where they are, if they exist.

The CHAIRMAN. Why did you add that, "if they exist"?

Miss RUBINSTEIN. Because I have no knowledge as to whether they exist or not, obviously.

Mr. SCHERER. At any time did you turn such records as have been subpoenaed over to anyone?

Miss RUBINSTEIN. You are speaking of a time prior to the service of the subpoena or since?

Mr. SCHERER. At any time.

Miss RUBINSTEIN. Since the service of the subpoena I have not done so. Prior to the service of the subpoena I decline to answer this question on the grounds of the first, fourth, and fifth amendments.

Mr. SCHERER. To whom did you turn over the records prior to the service of the subpoena?

Miss RUBINSTEIN. Well, this is silly.

Mr. SCHERER. Well, it is not silly.

Miss RUBINSTEIN. First of all, it is a silly assumption and second, it is silly because I am just repeating the same answer. I have already answered "I decline on the grounds of the first, fourth, and fifth," and I again decline on the grounds of the first, fourth, and fifth.

Mr. SCHERER. Is my assumption incorrect that you did turn over these records to somebody prior to the service of the subpoena upon you?

Miss RUBINSTEIN. Your assumption is clearly unwarranted.

Mr. SCHERER. Is my assumption incorrect?

Miss RUBINSTEIN. I have already declined to answer a "yes" or "no."

Mr. SCHERER. I ask the chairman to direct the witness to answer the question whether my assumption is incorrect.

The CHAIRMAN. You are directed to answer that question.

Miss RUBINSTEIN. I decline to answer that on the grounds of the first, fourth, and fifth amendments.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, the question was asked by Mr. Scherer as to whether the witness destroyed these records. I think that there ought to be a direction to answer that question. Otherwise it might be considered that the committee has accepted her answer.

Mr. NEEDLEMAN. I think she answered that question, Mr. Tavenner, that she didn't since the service of the subpoena.

Mr. TAVENNER. But he asked prior to the service.

The CHAIRMAN. You are directed to answer the question as to whether or not you destroyed them.

Miss RUBINSTEIN. As to the period prior to the service of the subpoena, I repeat my declination on the grounds of the first, fourth, and fifth amendments.

(The witness conferred with her counsel.)

Mr. TAVENNER. I hand you a letter bearing date of December 3, 1959, bearing a signature purporting to be that of Annette T. Rubinstein for the Committee on Awards.

(At this point, Mr. Willis entered the hearing room.)

Mr. TAVENNER. Did you write that letter? I have purposely blocked out the name of the addressee.

(The document was handed to the witness.)

Mr. NEEDLEMAN. We can't read it.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first, fourth, and fifth amendments.

(Document marked "Rubinstein Exhibit No. 3," and retained in committee files.)

Mr. TAVENNER. What did you do with the copy of that letter?

Miss RUBINSTEIN. What letter?

Mr. TAVENNER. This letter. That is the original. What did you do with the copy?

Miss RUBINSTEIN. Well, what kind of a question is that?

(The witness conferred with her counsel.)

Mr. TAVENNER. The question is perfectly plain. What did you do with the copy of this letter?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I had no such copy at the time when the subpoena was served or at any time since, and at any period before I decline to answer on the grounds of the first, fourth, and fifth amendments.

The CHAIRMAN. Do you live at 59 West 71st Street?

Miss RUBINSTEIN. I do.

The CHAIRMAN. The letterhead is Annette T. Rubinstein, 59 West 71st Street, New York.

Mr. NEEDLEMAN. Mr. Chairman, could the record show how the committee got that letter?

The CHAIRMAN. Of course not.

Mr. NEEDLEMAN. Did they write for the mails?

The CHAIRMAN. Why, of course not, and you know better than that. Someone who was naive sent this on to the committee. You would be surprised how much information we get like that.

Mr. NEEDLEMAN. Then what's the secret? Why can't we know how you got it?

The CHAIRMAN. All right, go ahead, Mr. Tavenner.

Mr. TAVENNER. I think if you would produce the copies of the records it would reflect as much information as you would need—the copies of the letters.

Mr. DOYLE. Mr. Chairman, may I make this observation for the benefit of Miss Rubinstein?

Twice, a few minutes ago, you told Mr. Scherer you thought his questions were silly. Do you remember so doing?

Miss RUBINSTEIN. Yes.

Mr. DOYLE. What was silly about his questions?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Because I had just answered that question. To ask it again was silly and also to make an assumption which I had refused either to confirm or deny as though, because it was put in a different way, I would either affirm or deny what I had just refused to affirm or deny.

Mr. DOYLE. That is why you told him twice his questions were silly?

Miss RUBINSTEIN. I remember doing it once; but possibly twice.

Mr. TAVENNER. Dr. Rubinstein, I now hand you a public announcement of the creation of The Fund for Social Analysis which appeared in the Communist publication *Mainstream* of April, 1958 (p. 63). Will you examine it, please, and state whether or not the name of Mary Jane Keeney is signed as corresponding secretary?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Do you mean whether I read this here?

Mr. TAVENNER. Yes, whether you see it at the bottom of the document.

Miss RUBINSTEIN. I read this here in this photostat.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Rubinstein Exhibit No. 4."

The CHAIRMAN. Mark it as part of the record.

(Document marked "Rubinstein Exhibit No. 4" follows:)

RUBINSTEIN EXHIBIT No. 4

LETTERS

Editor, *Maistream*: [Mainstream]

The Fund for Social Analysis has just been organized as an informal group of individuals interested in aiding research on problems of Marxist theory and its application, bringing together people who want to encourage such studies and to provide financial assistance toward their production. It operates without paid personnel or other overhead costs, and distributes all money raised by the sponsors through voluntary activities in research grants. In its Statement of Policy, the Fund defines its purpose as follows:

"Socialist thinking in the United States has traditionally neglected analytical and basic theoretical work. The retarding effect of this failure on the socialist and labor movements in our country is today more apparent than ever before. Under the recent pressures for social conformity, research on problems opened up by Marxist theory has dwindled to a particularly low level. It is the purpose of the Fund to do what it can to correct this situation by providing grants-in-aid for research and publications to social scientists analyzing or applying Marxist hypotheses."

In making its awards the Fund will be guided solely by its estimate of the intellectual qualifications of the applicants and the significance of the problems they propose to study. Its object is to promote research in an area of inquiry, not to popularize a set of uncriticized beliefs. Its Committee on Awards has entire responsibility, not subject to review, for making grants. For the first year of the Fund's operations, the Committee on Awards comprises the following: Frank Coe, Irving Kaplan, Harry Magdoff, Stanley Moore, Russell Nixon, Annette Rubinstein and J. Raymond Walsh, as well as a panel of consultants in special fields who are available on call. Grants will ordinarily range from \$500 to \$3,000, but applications for larger or smaller amounts will be considered.

Projects for books and essays in all fields of social science will be welcomed. Preference will be given to topics bearing upon current problems over those of purely historical interest, topics bearing upon the United States over those solely concerned with other countries, and to studies already under way over projects merely in outline. Applications for grants and further information should be addressed to the Corresponding Secretary, The Fund for Social Analysis, Room 2800, 165 Broadway, New York 6, N.Y. Applications should contain the following information:

1. Name and address of applicant.
2. Outline of project.
3. Such parts of project as may have been drafted.
4. Plans for publication.
5. Amount of money requested and proposed use.
6. Previous publications, if any.
7. Relevant biographical data.
8. Such references (names and addresses of persons familiar with the applicant's work and intellectual qualifications) as applicant may wish to submit.

(Extra copies of the application form and previous publications will be appreciated but are not required.)

MARY JANE KEENEY,
Corresponding Secretary.

Mr. TAVENNER. Was Mary Jane Keeney the corresponding secretary in April 1958?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendments.

Mr. TAVENNER. When was The Fund for Social Analysis organized? (The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Were you the Fund's organizational secretary at the inception of the business of the Fund?

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first and fifth amendment.

Mr. SCHERER. Do you feel that to answer that question might lead to a criminal prosecution against you?

Miss RUBINSTEIN. From my knowledge of this committee and its general tactics, that does not seem an impossibility although it would seem to me quite unjustified.

Mr. DOYLE. May I inquire, has there been any secretary of this Fund other than you since the Fund was organized?

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first and fifth amendment.

Mr. DOYLE. Was there another secretary of this Fund chosen just prior to the time you were subpoenaed, or approximately, who took the records and now has possession of them, as far as you know?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendments.

The CHAIRMAN. Who is the treasurer of your organization?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

The CHAIRMAN. I direct you to answer the question, "Who is the treasurer?"

Miss RUBINSTEIN. I decline to answer the question on the grounds of the first and fifth amendment.

Mr. MOULDER. What are the general functions, activities, and objectives of this organization?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Well, there was a public statement made and repeated, posted on college bulletin boards, in learned journals, economic quarterlies, and so on, and I think this very succinctly and well states the purposes of the Fund as far as I know them.

It says:

The Fund for Social Analysis is an informal organization of individuals interested in aiding research on problems of Marxist theory and its application. The Fund is designed to bring together people who want to encourage such studies and to provide financial assistance toward their production. It operates without paid personnel or other overhead costs. Money is raised entirely through the voluntary activities of the membership, and all contributions are allocated in their entirety for research grants.

Socialist thinking in the United States has traditionally neglected analytical and basic theoretical work. The retarding effect of this failure on the socialist and labor movements in our country is today more apparent than ever before. Under the recent pressures for social conformity, research on problems opened up by Marxist theory has dwindled to a particularly low level. It is the purpose of the Fund to do what it can to correct this situation by providing grants-in-aid for research and publication to social scientists analyzing or applying Marxist hypotheses.

In making its awards the Fund will be guided solely by its estimate of the intellectual qualifications of the applicants and the significance of the problems they propose to study. Its object is to promote research in an area of inquiry, not to popularize a set of uncritical beliefs. Every scientist must be to some extent a critic of the theories he examines or applies. He alone is the proper person to decide how far the criticism shall go.

Projects for books or essays in all fields of social science will be welcomed. Topics bearing upon current problems will be given preference over those of purely historical interest. Topics bearing upon the United States will be given preference over those solely concerned with other countries.

This statement has appeared in, I think, literally dozens of issues of various learned and academic journals and on the bulletin boards of many, many universities with graduate schools, and has been widely publicized during the past 3 years.

I think it gives a succinct statement of the purposes of the Fund.

Mr. DOYLE. May I ask who provided this statement?

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. What is the date of the statement?

Miss RUBINSTEIN. There is no date appended to it here but it has been on bulletin boards and in journals for, oh, at least 3 years back, I would say.

Mr. TAVENNER. Did you assist in the preparation of it as secretary of the Fund?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Were you a member of the Communist Party at the time that the document you refer to was placed on the bulletin boards of the various colleges?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I decline to answer this question on the principles of the first amendment and under the protection of the fifth.

Mr. TAVENNER. I hand you a document which the committee procured through a subpoena duces tecum and ask you to examine it and state whether or not the signature at the bottom over the word "Secretary" is your signature?

(The document was handed to the witness.)

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first, fourth, and fifth amendments.

(At this point Chairman Walter left the hearing room.)

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Rubinstein Exhibit No. 5."

Mr. MOULDER (presiding). It may be placed in evidence and so marked.

(Document marked "Rubinstein Exhibit No. 5" follows:)

RUBINSTEIN EXHIBIT No. 5

I, Annette T. RubinsteinSecretary of The Fund for Social Analysis
(a non-profit organization) do hereby certify:That the following is a true abstract of a resolution
duly adopted at a meeting of the officers and
directors of The Fund for Social Analysis
duly held on the 13 day of January 1958.RESOLVED: That an account be opened in the
name of The Fund for Social Analysis
with the East River Savings Bank of the City of New
York for the purpose of depositing therein funds of
said organization.That the officers of this organization, or any
2 of them, as certified to said Bank by our Secre-
tary from time to time shall have full authority to
withdraw any or all of the funds credited to the organi-
zation on the account. Said East River Savings Bank
may rely upon said delegation of authority and honor
the signatures and acts of the officers certified until
receipt by the Bank of a certification of new or other
officers having such authority and the filing with the
Bank of the signatures thereof.~~That the Bank is hereby authorized~~
or other instruments for withdrawals of funds (includ-
ing those drawn to cash or bearer or to the individual
order of the officer or officers signing the same) and
also receive the funds withdrawn for deposit to the
credit of any holder, without inquiry of any kind.Witness my hand and seal of said organization this 18th
day of January 1958.Annette T. Rubinstein
SECRETARY

(S E A L)

443748

Approved for filing

EWII

Mr. TAVENNER. Mr. Chairman, I will not read the document, but it is a document over the signature of the secretary, bearing date of January 18, 1958, constituting authority for the signatures for the withdrawal of funds from a bank, the bank being the East River Savings Bank of the City of New York.

Will you state, please, whether or not the 18th of January 1958, the date of this document, was the approximate date of the foundation of The Fund for Social Analysis?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Who were the individuals who formed the organization, The Fund for Social Analysis?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Did you participate in its formation?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Were other persons who participated in it members of the Communist Party?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Has this Fund made awards or grants to individuals whom you personally knew to be members of the Communist Party?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Did The Fund for Social Analysis make an award in the sum of \$1,000 to Herbert Aptheker, a member of the National Committee of the Communist Party of the United States—

(The witness conferred with her counsel.)

Mr. TAVENNER. —at a time when he was known to you to hold that position in the Communist Party?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendments.

Mr. TAVENNER. You read a moment ago from a document. Would you mind letting me see it?

Mr. NEEDLEMAN. On advice of counsel, she will not.

Mr. SCHERER. Mr. Chairman, I ask that the witness be directed to submit to our director the document from which she read.

Mr. MOULDER. The witness is directed to respond to the request made by counsel.

Mr. DOYLE. She has opened the door, Counsel, you know that, by reading it herself.

Mr. NEEDLEMAN. This is not one of the documents of subpoena. I don't think the committee is entitled to it.

Mr. SCHERER. Do you think we would have gotten it if we had subpoenaed it?

Mr. TAVENNER. It may be one of them.

Mr. NEEDLEMAN. I will tell you what we will do.

Mr. TAVENNER. I suggest the chairman tell us what we will do.

Mr. MOULDER. The witness is directed to produce the document. (The document was handed to Mr. Tavenner.)

Mr. MOULDER. Let the record show that the witness has given the document to counsel.

Mr. DOYLE. I submit the entire document is available to the committee.

Miss RUBINSTEIN. Counsel has it.

Mr. NEEDLEMAN. Don't let's fight when there is no occasion to, Mr. Congressman.

Mr. DOYLE. You folded the page, I note.

Mr. NEEDLEMAN. I was trying to call attention to the first page.

Mr. TAVENNER. Let me read this paragraph:

We should very much appreciate receiving any individual statements or group resolutions on this position, or on the pending action of the HUAC.

which is the abbreviation for the House Committee on Un-American Activities, signed by a number of persons, including Annette T. Rubinstein.

You signed that, did you not?

Miss RUBINSTEIN. I decline.

Mr. TAVENNER. I mean you authorized your name?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. SCHERER. Witness, you have been laughing at almost every question that has been asked.

Mr. NEEDLEMAN. I don't think that is an accurate characterization. For the record, I don't think that is an accurate characterization.

Mr. SCHERER. I do.

Mr. NEEDLEMAN. I don't think the chairman would agree with you, Mr. Scherer.

Mr. SCHERER. Let us say ninety-nine and forty-four one-hundredths percent.

Mr. NEEDLEMAN. She smiled a couple of times at questions that were perfectly obvious that you asked.

Mr. SCHERER. Mr. Chairman, I ask that the record so show.

Mr. MOULDER. Proceed.

Mr. TAVENNER. Dr. Rubinstein, we were speaking of the making of a grant to Dr. Herbert Aptheker. This very document which you handed to me shows that you did make such a grant of a thousand dollars to him—

(The witness conferred with her counsel.)

Mr. TAVENNER. — does it not?

Miss RUBINSTEIN. You mean it shows that such a grant was made?

Mr. TAVENNER. Was made, yes.

Miss RUBINSTEIN. It seems to be a matter of public record and knowledge that such a grant was made.

Mr. TAVENNER. But you will not admit to having any connection with making of a grant of a thousand dollars to a member of the National Committee of the Communist Party?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Was membership in the Communist Party one of the prerequisites for making a grant by this organization?

Miss RUBINSTEIN. I think the chairman of the committee, of your committee, Mr. Walter, made a public statement which I read in the New York Times saying that this document you have here included the names of many grantees who were not members of the Commu-

nist Party. This is his statement, but you should be interested in it.¹

Mr. TAVENNER. Now will you answer the question? I am more interested in that.

Miss RUBINSTEIN. I personally decline to answer the question on the grounds of the first and fifth amendment.

Mr. SCHERER. Was Mr. Walter's statement that you just said was published in a newspaper correct, according to your knowledge?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment but it seems odd to me that his committee should impugn his statement.

Mr. DOYLE. May I ask a question?

Was the statement that you just stated you read in the New York paper read by you prior to the time of the subpoena?

Miss RUBINSTEIN. No, it was just, I think—

(The witness conferred with her counsel.)

Miss RUBINSTEIN. No, it was just the other day.

Mr. DOYLE. Did you learn of the fact that your Fund was to be subpoenaed prior to the time that you were subpoenaed?

Miss RUBINSTEIN. No, I didn't learn that the Fund was to be subpoenaed or that I personally was to be subpoenaed prior to the time that I was served with the subpoena.

Mr. DOYLE. Did you learn that as secretary you were to be subpoenaed prior to the time you were subpoenaed?

Miss RUBINSTEIN. When the subpoena was served upon me it was a great surprise and completely unexpected. However, to make it clear, this subpoena which you have referred to as being served by Mr. Collins was not the first subpoena I received. I had received a subpoena earlier, which was a great surprise to me. And all my answers have referred to the date of the earlier subpoena, not the later. There were three postponements. As a matter of fact, the first time I was subpoenaed it was in Chicago. I cut a lecture short at great expense and came to New York for an April 26 meeting, which I was notified on April 25 was being postponed to May 22.

No, no. May 22.

And I came to Washington on that day and when I came back to New York from Washington I found that it had been postponed again to May 26.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I should like to know about all these extra fares and whether the committee is going to reimburse me for them.

Mr. DOYLE. Now may I inquire: Did you have any of these records, as secretary, in your possession at the time you received the first subpoena?

Miss RUBINSTEIN. I did not. All my answers have referred to the date of the first subpoena, which was a service in Chicago some time in April, the middle of April, I think the 10th or 11th, something of that sort.

Mr. NEEDLEMAN. Maybe we ought to have that for the record, Mr. Doyle, as to when the first subpoena was served because that is the date as to which all the testimony relates.

Miss RUBINSTEIN. All my answers.

¹The article referred to in the New York Times of May 23, 1961, quotes Chairman Walter as charging that The Fund for Social Analysis made public the names of educators not subpoenaed by the committee. The article does not deal with individual affiliation with the Communist Party as stated by the witness.

Mr. DOYLE. You did not acquire any of these records between the time of the first and second subpoena?

Miss RUBINSTEIN. I had none of these records at the time of the first subpoena and have had none of these records since the time of the first subpoena.

Mr. TAVENNER. Where is the office of The Fund for Social Analysis maintained?

Miss RUBINSTEIN. I decline to answer that question on the grounds of the first and fifth amendment.

Mr. TAVENNER. I hand you a document entitled "The Fund for Social Analysis" which is a thermofax copy of a statement over the name of "The Corresponding Secretary, The Fund for Social Analysis." Will you examine it, please?

(The document was handed to the witness.)

Miss RUBINSTEIN. Thank you.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I see this.

Mr. TAVENNER. Do you see an address under the name of the secretary, corresponding secretary of The Fund for Social Analysis?

Miss RUBINSTEIN. You mean do I read on this page?

Mr. TAVENNER. Yes, do you see it there?

Miss RUBINSTEIN. I see there it says "The Corresponding Secretary, The Fund for Social Analysis, Room 2800, 165 Broadway, New York 6, New York."

(Document marked "Rubinstein Exhibit No. 6" follows:)

RUBINSTEIN EXHIBIT No. 6

THE FUND FOR SOCIAL ANALYSIS

The Fund for Social Analysis is an informal organization of individuals interested in aiding Marxist research. It operates without paid personnel or other overhead costs. All money raised by the sponsors is distributed in grants.

Each year the Fund offers a limited number of grants-in-aid for studies analyzing or applying Marxist hypotheses. Projects for books and essays may be submitted in any field of social science, including social philosophy and the sociology of science. Preference is given, however, to (a) studies of current relevance over those of purely historical interest; (b) studies related to the United States over those concerned mainly with other countries; and (c) studies already under way over projects merely in outline.

An Awards Committee, elected annually by the sponsors of the Fund, has sole responsibility for making grants. The committee is authorized to obtain the advice and opinion of qualified experts in various special fields of inquiry in which applications may be submitted. The committee's decisions are not subject to review.

In making its awards the Committee is guided solely by its evaluation of the scientific importance of the proposed projects, and its estimate of the qualifications of applicants to carry out those projects.

The Committee elected for 1960 consists of Barrows Dunham, Jules Emspak, Irving Kaplan, Harry Magdoff, Russ Nixon and Annette T. Rubinstein.

Grants ordinarily range from \$500 to \$3,000, but applications for both larger and smaller amounts are considered. Grants may be requested for completion of an entire project, or for some specific part of a project, or for assistance in research, editing, or publication.

Applications should contain the following information:

1. Name and address of the applicant.
2. An outline of the project.
3. Such parts of the project as may already have been drafted.
4. Plans for publication.
5. Amount of money requested, and account of proposed use.
6. List of previous publications, if any.

7. Relevant biographical data.

8. Such references (names and addresses of persons familiar with applicant's work and intellectual qualifications) as the applicant may wish to submit.

Applications and manuscript in support of applications should be submitted in English typescript. Two or three copies would be helpful. A stamped self-addressed envelope should be included for the return of the material submitted.

Applications should be addressed to:

The Corresponding Secretary
The Fund for Social Analysis
Room 2800
165 Broadway
New York 6, New York

Mr. TAVENNER. Who was the corresponding secretary at that time?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Do you maintain an office at the place given here, Room 2800, 165 Broadway, New York 6, New York?

Miss RUBINSTEIN. You say "Do you maintain an office?" You mean I personally?

Mr. TAVENNER. No, The Fund for Social Analysis.

Miss RUBINSTEIN. I decline to answer this on the grounds of the first and fifth amendment.

Mr. TAVENNER. Whose office is this?

Miss RUBINSTEIN. I decline to answer that on the grounds of the first and fifth amendment.

Mr. TAVENNER. Is it not your attorney's office?

Miss RUBINSTEIN. I decline to answer that on the grounds of the first and fifth amendment.

Mr. SCHERER. Do you think that such an answer might tend to incriminate you or lead to a criminal prosecution, to acknowledge whether that office is the office of your attorney?

Miss RUBINSTEIN. I think that the fifth amendment is designed to prevent people from being compelled to give evidence against themselves and that, in my judgment, this would be giving evidence against myself to a committee whose purposes, techniques, and ethics I profoundly distrust and that might twist anything to a criminal prosecution.

Mr. SCHERER. Evidence that might lead to a criminal prosecution?

Miss RUBINSTEIN. Or to an attempt at one.

Mr. SCHERER. To an attempt at one?

Miss RUBINSTEIN. In the eyes of the committee it might lead to a criminal prosecution and I decline to answer under the protection of the fifth amendment which is designed to protect the innocent as well as the guilty.

Mr. SCHERER. Do you consider any of the activities covered in these questions asked you illegal?

Miss RUBINSTEIN. I do not consider these illegal, but I think the committee does.

Mr. DOYLE. May I inquire? I refer to the pamphlet, Madam Secretary. [Statement by Members of the Awards Committee, Rubinstein Exhibit No. 7, pp. 26-29.]

Miss RUBINSTEIN. Who is Madam Secretary?

Mr. NEEDLEMAN. She is a witness here, Mr. Doyle.

Mr. DOYLE. I am speaking to her as secretary of the Fund.

Mr. NEEDLEMAN. Just so the record is clear that she is answering as a witness.

(The witness conferred with her counsel.)

Mr. DOYLE. I am speaking to her as a secretary of the Fund which is under investigation and as one of the signers of this pamphlet which you read a few minutes ago and which your counsel handed to our counsel.

I notice there is no address, no street address, no post office box, no place to which applicants for the grants should send for material. Why did you leave an address off? How would these applicants know where to write?

Miss RUBINSTEIN. You say, "Why did you leave an address off?" I don't understand the question.

Mr. DOYLE. You signed this, did you not? You signed the original?

Miss RUBINSTEIN. I have not said so. I declined to answer that on the grounds of the first and fifth amendment.

Mr. DOYLE. Does your name appear in print here over your objection?

Miss RUBINSTEIN. Hand it to me and, if it is there, I will read it, but I decline to answer it on the other grounds.

Mr. DOYLE. All right. Then I would like it back to ask another question. You have identified your name on there, I think.

Miss RUBINSTEIN. No, you think wrong.

Mr. DOYLE. I will ask you frankly. You knew that your name was printed on that document when you read it to us a few moments ago, did you not?

Miss RUBINSTEIN. I decline to answer that on the grounds of the first and fifth amendment.

Mr. DOYLE. Well, you authorized the printing of this, were one of those who authorized it, were you not?

Miss RUBINSTEIN. I decline to answer that on the grounds of the first and fifth amendment.

Mr. DOYLE. Did the Fund pay for this pamphlet or did you pay for it in part personally?

Miss RUBINSTEIN. I decline to answer this on grounds of the first and fifth amendment.

(At this point Chairman Walter returned to the hearing room.)

Mr. DOYLE. Did you turn the copy of this over to the printer whose identification is stamped on it here?

Miss RUBINSTEIN. I decline to answer this on grounds of the first and fifth amendment.

Mr. DOYLE. Was any supplementary invitation or announcement issued following this one I refer to, in which your name appears in print, giving a place to which applicants could send for further information?

(The witness conferred with her counsel.)

Mr. NEEDLEMAN. May we have the question read?

(The witness conferred with her counsel.)

Mr. DOYLE. I will rephrase the question so that the witness may answer it.

Subsequent to the printing and issuance and distribution of this pamphlet that you have read part of to the committee and on which

your name appears in print, Annette T. Rubinstein, was any follow-up or supplementary announcement issued with your name on it giving notice to the universities and colleges, to which you have referred, as to where the application should be mailed?

(The witness conferred with her counsel.)

Mr. DOYLE. By those interested.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I have no knowledge of any such document and am not in possession of any such document. I do not know whether or not there was any subsequent document issued.

Mr. DOYLE. Well, as a matter of fact, this document itself states that details as to filing of applications were sent to periodicals which are named here, so that you did send public information as to where applications should be sent, did you not?

Mr. NEEDLEMAN. You said subsequent to this. This has reference, as I understand it, to a prior time.

Mr. DOYLE. This statement and several others adding details as to the filing of applications were sent to such periodicals?

Mr. NEEDLEMAN. "Were." That is in the past tense, at the time when this was printed.

Mr. DOYLE. That is rather technical but you get my point. In other words, subsequent to your having sent out the details that you said you sent.

Miss RUBINSTEIN. What is the "you"? You can't assume that I sent any details on anything that I have said.

Mr. DOYLE. Well, you participated in it, manifestly.

Miss RUBINSTEIN. There is no such assumption in anything I have said.

I have declined to answer any question as to whether I participated in any such Fund or in sending out any material, and I cannot accept the assumption that I did by your saying "You sent out."

Mr. SCHERER. Is Mr. Doyle's assumption erroneous?

Miss RUBINSTEIN. I have already refused either to affirm or deny it so that I can only say it is not a reasonable assumption. I cannot say whether it is true or false. I have declined to answer that several times on the grounds of the first and fifth.

Mr. DOYLE. Do you have in your possession now any printed or mimeographed or written statement of which you have ever sent a copy to any applicant giving the details of the Fund?

(The witness conferred with her counsel.)

Mr. DOYLE. Here is an announcement with your name on it. Now, did you ever send out any statement of details?

Miss RUBINSTEIN. Now you are asking if I ever sent out and I declined to answer this question previously and still decline to answer it on the grounds of the first and fifth amendment. It is the same question over. Since the service of the subpoena I have had no such documents in my possession.

The CHAIRMAN. Mr. Tavenner, make this a part of the record.

Mr. TAVENNER. Yes. I offer in evidence as "Rubinstein Exhibit No. 7" the document, Statement by Members of the Awards Committee, presented by the witness.

(Document marked "Rubinstein Exhibit No. 7" follows:)

RUBINSTEIN EXHIBIT No. 7

THE FUND FOR SOCIAL ANALYSIS

STATEMENT BY MEMBERS OF THE AWARDS COMMITTEE

During the past year the college campuses from Berkeley to Boston have become a center of opposition to the House UnAmerican Activities Committee. It is therefore significant that the HUAC is now opening its new year by scheduling hearings which make fresh inroads on the freedom of scientific inquiry and scholarship.

The HUAC has just opened an attack on the Fund for Social Analysis, an informal private association for the encouragement of research into questions of Marxist theory and its application. The HUAC has issued subpoenas to members of the Awards Committee of the Fund, and to a number of the scholars who have received grants-in-aid from it to assist them in completing specific projects. The HUAC is also demanding a list of the Fund's donors, of rejected applications, etc.

The nature and purpose of the Fund, and the kind of research it was set up to aid, are explicitly described in its statement of policy, issued on its formation in 1958. This statement, which was then and subsequently posted on many university bulletin boards and summarized in learned periodicals, reads:

The Fund for Social Analysis is an informal organization of individuals interested in aiding research on problems of Marxist theory and its application. The Fund is designed to bring together people who want to encourage such studies and to provide financial assistance toward their production. It operates without paid personnel or other overhead costs. Money is raised entirely through the voluntary activities of the membership, and all contributions are allocated in their entirety for research grants.

Socialist thinking in the United States has traditionally neglected analytical and basic theoretical work. The retarding effect of this failure on the socialist and labor movements in our country is today more apparent than ever before. Under the recent pressures for social conformity, research on problems opened up by Marxist theory has dwindled to a particularly low level. It is the purpose of the Fund to do what it can to correct this situation by providing grants-in-aid for research and publication to social scientists analyzing or applying Marxist hypotheses.

In making its awards the Fund will be guided solely by its estimate of the intellectual qualifications of the applicants and the significance of the problems they propose to study. Its object is to promote research in an area of inquiry, not to popularize a set of uncritical beliefs. Every scientist must be to some extent a critic of the theories he examines or applies. He alone is the proper person to decide how far the criticism shall go.

Projects for books or essays in all fields of social science will be welcomed. Topics bearing upon current problems will be given preference over those of purely historical interest. Topics bearing upon the United States will be given preference over those solely concerned with other countries.

This statement and several others adding details as to the filing of applications were sent to such periodicals as the American Economic Review, Monthly Review, American Journal of Sociology, Journal of the History of Ideas, Science and Society, Journal of Philosophical & Phenomenological

Research, and to the Economics, Political Science, and other Social Science departments of all universities with graduate schools. (Copies of this material will be mailed upon request.) Many applications for grants were subsequently received from both academic figures and unaffiliated students. The Awards Committee, which had sole responsibility for considering and deciding upon all applications, made the following awards, which were all publicly announced.

Martin J. Sklar, graduate student, \$2,000 to enable him to complete his study of the background and development of U.S. imperialist ideology since the time of McKinley.

Professor Paul A. Baran, author of POLITICAL ECONOMY OF GROWTH, \$1,500 to facilitate completion of a Marxian analysis of monopoly capitalism which he is writing jointly with Dr. Paul M. Sweezy.

Dr. Herbert Aptheker, author of NEGRO SLAVE REVOLTS, DOCUMENTARY HISTORY OF THE AMERICAN NEGRO, \$1,000 for research expenses in connection with the documentation of his history of the Civil War period, scheduled for publication during the Civil War Centennial in 1961.

Professor William Appleman Williams, author of SHAPING AMERICAN DIPLOMACY 1750-1955, THE TRAGEDY OF AMERICAN DIPLOMACY, \$1,500 to assist in the completion of an interpretive history of the United States from the sixteenth century to the present day.

Professor Gordon K. Lewis, author of articles published in a great variety of learned journals including the Western Political Quarterly, the Political Quarterly of London, and the Journal of Politics, \$1,000 to assist in the completion of his book entitled AMERICA AS A COLONIAL POWER: THE PUERTO RICAN EXPERIENCE.

Dr. Bernice Shoul, Instructor of economics, author of articles in such periodicals as the Quarterly Journal of Economics, \$1,500 to assist in the completion of a series of essays on the relation between Marxian and Classical economics.

The Fund for Social Analysis has never attempted to qualify as a tax exempt organization, or to secure any other form of public assistance. It has consistently publicized its special interest in fostering critical Marxist scholarship, and has had no concern whatever with any other form of activity or organization.

It therefore seems clear that the present harassment by the HUAC is aimed directly at the liberty of thought and right to knowledge which are basic for all academic freedom. We are confident that the academic community which has evinced such a courageous and widespread resistance to intimidation by the HUAC will realize that this latest attack concerns all those interested in freedom of inquiry and opinion.

We should very much appreciate receiving any individual statements or group resolutions on this position, or on the pending action of the HUAC.

(signed) Harry Magdoff
Barrows Dunham Russ Nixon
Irving Kaplan Annette T. Rubinstein

Mr. TAVENNER. Mr. Chairman, I offer in evidence as "Rubinstein Exhibit No. 8," a photostatic copy of a passport application, procured by subpoena duces tecum, bearing date of May 16, 1936.

(The witness confers with her counsel.)

Mr. TAVENNER. Dr. Rubinstein, it is noted from the application that you stated that you intended to visit the following countries for the purposes indicated. "England, sightseeing; France, sightseeing."

You may examine it to see that I have stated it correctly.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss RUBINSTEIN. May I ask the chairman the relevance of this 25-year-old, is it, 27-year-old application?

The CHAIRMAN. I just asked counsel the same question and he said it would appear very soon, so go ahead, Mr. Tavenner.

(The witness conferred with her counsel.)

Mr. TAVENNER. Did you travel to the Soviet Union under this passport and there enter a university or school for instruction operated by the Soviet Government?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Well, I must ask first for some indication that this has any relevancy whatsoever to the current inquiry as to tax exemption on the grounds of organizations.

Mr. TAVENNER. You are raising the question of pertinency?

Miss RUBINSTEIN. Pertinence, yes.

Mr. TAVENNER. I think it should be quite apparent that the Communist Party activities of a person who is alleged to be the secretary of The Fund for Social Analysis would have a bearing upon the type of propaganda activities in which that organization is engaged, and the reason for asking this particular question is to find out about your own Communist activities which the committee, also in its opening statement, said was of importance in considering these matters.

(The witness conferred with her counsel.)

Mr. TAVENNER. Now please answer it.

Mr. NEEDLEMAN. May I consult?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. In 1936, I did not visit the Soviet Union and visited, as it says on the passport here, England and France and I think I passed through Belgium or Holland for a day or two.

Mr. TAVENNER. But you did not go to the Soviet Union?

Miss RUBINSTEIN. I did not go to the Soviet Union in 1936.

Mr. MOULDER. That was not the question, Mr. Chairman.

Mr. NEEDLEMAN. The question was under this document.

Miss RUBINSTEIN. It was under this document.

Mr. TAVENNER. Now, I offer in evidence as "Rubinstein Exhibit No. 9" a photostatic copy of a passport renewal application for travel on the *Queen Mary* on July 19, 1939.

(The witness conferred with her counsel.)

Mr. TAVENNER. Which states that the party intended to travel to England and Russia for pleasure. You may examine this renewal and state whether or not, as a result of the issuance of that renewal of your passport, you traveled to the Soviet Union and there entered a university or school of instruction operated by the Soviet Government.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. In 1939 in accordance with the stated purpose of the passport application, I traveled for pleasure to England and the Soviet Union and I think some of the Scandinavian countries. I entered no university, no school of any sort. I think I was about 8 days, 10 days in the Soviet Union certainly; maybe 2 weeks. I don't remember.

(Documents marked "Rubinstein Exhibits Nos. 8 and 9," respectively, and retained in committee files.)

Mr. TAVENNER. I offer in evidence the photostatic copy of a passport application dated January 26, 1959, in which you set forth that you desire to travel to England, France, Italy, Denmark, Sweden, Norway, Poland, Czechoslovakia, Russia, and Israel.

Miss RUBINSTEIN. Israel?

Mr. TAVENNER. Yes.

Miss RUBINSTEIN. I didn't get there.

Mr. TAVENNER. Did you engage in that travel?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Yes, exactly as stated in the passport. In each case I fulfilled the objectives stated in the passport except I didn't get to Israel or Italy in this case, but I traveled in England, France, and these other countries.

(Document marked "Rubinstein Exhibit No. 10" and retained in committee files.)

Mr. TAVENNER. Were you a member of the Communist Party at the time you engaged in that travel?

Miss RUBINSTEIN. I decline to answer this question on the grounds of privacy of political belief and opinion and the protection afforded by the fifth amendment.

Mr. TAVENNER. Did you engage in travel to those countries as a result of a request originating from any one or more of those countries?

Miss RUBINSTEIN. No, I engaged in travel to those countries as a result of a request from my mother who was 75 and asked for that as a birthday present that she wanted to travel and see those countries, and so I arranged to travel and take her with me on a visit to these countries.

(The witness conferred with her counsel.)

Mr. TAVENNER. I hand you now an issue of Jewish Currents bearing date of November 1960, where I find an article entitled "Jews Without Money—Not Jews Without Love," by Annette T. Rubinstein.

Will you identify that, please, as an article published by you?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Yes.

(Document marked "Rubinstein Exhibit No. 11," and retained in committee files.)

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Yes, this looks like—

Mr. TAVENNER. Now, I am not interested in the contents of the article, but if you will note at the bottom of the first page in italics there is certain material. Will you read it, please, into the record?

Miss RUBINSTEIN. You mean what it says here?

Mr. TAVENNER. Yes.

Miss RUBINSTEIN (reading) :

Dr. Annette T. Rubinstein, author of *The Great Tradition in English Literature from Shakespeare to Shaw* (N.Y., 1953), is at present in Europe, lecturing by invitation at the U. of Warsaw, Charles U. and the Shakespeare Society in Prague, Humboldt U. in East Berlin and the Universities of Leipzig, Jena and Rostock in East Germany. She will again be available for lecture engagements in the New York area in Jan. and Feb., 1961 and on the West Coast in March.

Mr. TAVENNER. That seems to be a far different statement from the interest of your mother in seeing these countries.

Miss RUBINSTEIN. I thought you asked me whether I went there at the request of any of these countries. Wasn't that your question? And I answered that I went at the request of my mother. If you would like more information I will be glad to. In order to finish this trip, since it is an expensive thing, I wrote to the various universities and literary organizations in Europe which I knew knew of my book, *The Great Tradition in English Literature from Shakespeare to Shaw*, and asked whether they would be willing to arrange lectures or let me arrange them and pay for them in sufficient currency of the country to cover my living expenses during the time that I would be there.

In many cases the universities answered they would be glad to have me lecture on the Influence of Freud on Eugene O'Neill or the Place of the Negro in American Literature or *Man Triumphant* in Shakespeare and *Woman Too*, or a series of other similar lecture topics and that they would be glad to cover the expenses during 4 days or 3 days or whatever the period of time that I would be lecturing there, and this was how this worked out.

Mr. SCHERER. What were the countries in which you lectured?

Miss RUBINSTEIN. I lectured in Denmark, yes, in Denmark; in England; in the Soviet Union; in Czechoslovakia; in Poland; in Germany; in France.

Mr. MOULDER. East Germany?

Mr. TAVENNER. East Berlin.

Miss RUBINSTEIN. East Berlin, Leipzig, Jena, Rostock, Potsdam.

Mr. TAVENNER. Both of which are in Germany, both Jena and Rostock?

Miss RUBINSTEIN. Yes; and London and Paris and Copenhagen.

Mr. TAVENNER. You had also taught at the Jefferson School of Social Science as late as 1956, had you not?

Miss RUBINSTEIN. I decline to answer this on the grounds of the first and fifth amendment.

Mr. TAVENNER. The Jefferson School of Social Science was designated as subversive by the Subversive Activities Control Board in June 1955, and it terminated its existence in November of 1956. You were teaching there in 1956 when it closed, were you not?

Miss RUBINSTEIN. I decline to answer this question on the grounds of the first and fifth amendment.

Mr. TAVENNER. Those who had been conducting the Jefferson School of Social Science reorganized the school under a different name, did they not, the name being the Faculty of Social Science? Do you know about that?

Miss RUBINSTEIN. I decline to answer this on the grounds of the first and fifth amendment.

Mr. TAVENNER. Were you associated with the new institution, Faculty of Social Science?

Miss RUBINSTEIN. I decline to answer this on the grounds of the first and fifth amendment.

Mr. TAVENNER. Were you attempting in the work of The Fund for Social Analysis, the first record of which we can find is January 1958, a continuation of the same work that you were engaged in at the Jefferson School of Social Science?

Miss RUBINSTEIN. You say "were you"?

Mr. TAVENNER. Yes, you.

Miss RUBINSTEIN. Since I have neither affirmed nor denied that I was ever engaged in the Jefferson School or in The Fund for Social Analysis, I don't see how I can answer such a question.

Mr. TAVENNER. Answer it, please.

The CHAIRMAN. Answer the question.

Miss RUBINSTEIN. I have already declined to answer the questions on an answer to which this question is based and I decline to answer this question on the grounds of the first and fifth.

Mr. DOYLE. May I ask the witness a question, please? I cannot help but notice the real pride on your part with which you acknowledged your connection with lecturing in Europe. You did not claim any privilege as to whether you lectured in these universities in Europe. Why do you not claim the same pride in answering the two or three questions with regard to the Jefferson School? What is the difference that you had to claim the privilege as to one?

Miss RUBINSTEIN. Can I consult with counsel?

(The witness conferred with her counsel.)

Mr. DOYLE. You claim the privilege in respect to the Jefferson School. What is the difference?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I said that I lectured at these universities and that I made these arrangements because of the economics of the thing, the financial expense of traveling.

Mr. TAVENNER. In Exhibit No. 4, reference is made to a panel of consultants in special fields. Will you tell us what the panel of consultants is?

Miss RUBINSTEIN. May I see the reference in the exhibit, please?

Mr. TAVENNER. Will you read the reference in the document?

Miss RUBINSTEIN (reading) :

* * * For the first year of the Fund's operations, the Committee on Awards comprises the following: Frank Coe, Irving Kaplan, Harry Magdoff, Stanley Moore, Russell Nixon, Annette Rubinstein and J. Raymond Walsh, as well as a panel of consultants in special fields who are available on call.

Mr. TAVENNER. Will you explain to us, please, the panel of special consultants?

Miss RUBINSTEIN. I decline to answer this question on grounds of the first and fifth amendment.

Mr. TAVENNER. You mentioned Frank Coe. Do you know where Frank Coe is today?

Miss RUBINSTEIN. You mean I read the name from the paper?

Mr. TAVENNER. Yes.

Miss RUBINSTEIN. I decline to answer this question on grounds of the first and fifth amendment.

Mr. TAVENNER. Now I have not asked you the usual questions that I ask witnesses regarding their educational training because all of that has been asked you before when you appeared before this committee some years ago.

I have no further questions, Mr. Chairman.

The CHAIRMAN. Are there any questions, Mr. Moulder?

Mr. MOULDER. I believe not, Mr. Chairman.

The CHAIRMAN. Mr. Doyle?

Mr. DOYLE. I have no further questions.

The CHAIRMAN. Mr. Willis?

Mr. WILLIS. I have no questions.

The CHAIRMAN. Mr. Tuck?

Mr. TUCK. I have no questions.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. Miss Rubinstein, you said you were in Chicago, I believe, when you were served with the first subpoena from this committee.

Miss RUBINSTEIN. Yes, sir. I wanted to know if the fare would be paid from Chicago to New York to Washington rather than from New York to Washington since I was served in Chicago.

Mr. SCHERER. When was that first subpoena served on you? Do you remember?

Miss RUBINSTEIN. It was the second week in April. You probably have the date but it must have been either April—I think the 11th. It may have been the 10th.

Mr. SCHERER. Were you lecturing in Chicago at that time?

Miss RUBINSTEIN. Yes.

Mr. SCHERER. At that time your home, however, was in New York City?

Miss RUBINSTEIN. I was not scheduled to return to New York until May. I came back because this hearing was originally set for April 26.

The CHAIRMAN. That is not responsive.

Mr. SCHERER. I just asked whether your home at the time you were served with this subpoena was this address that we have had read into the record.

Miss RUBINSTEIN. Yes, this is correct.

Mr. SCHERER. It was the address that appeared on that letter that you refused to identify that the chairman asked you about?

Miss RUBINSTEIN. I would have to see the letter but it was the address I gave you, 59 West 71st.

Mr. SCHERER. Could I have that letter?

Mr. NEEDLEMAN. It is 59 West 71st.

Miss RUBINSTEIN. New York City.

Mr. SCHERER. Was that subpoena served on you in Chicago a duces tecum subpoena?

Miss RUBINSTEIN. Just one second and I will see. I think—yes, it was.

(The witness conferred with her counsel.)

Miss RUBINSTEIN. Yes.

Mr. SCHERER. Of course, when you were in Chicago—

Miss RUBINSTEIN. Excuse me. It was. Yes.

Mr. NEEDLEMAN. The answer to the question is “yes.”

Mr. SCHERER. When you were in Chicago, when the subpoena was served on you, engaging in this lecture, naturally you did not have in your possession in Chicago the records of this Fund, did you?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. I have already testified I did not have in my possession in Chicago or anywhere else the records at the time when the subpoena was served.

Mr. SCHERER. When this subpoena was served on you, is it not a fact that you got in touch with some of the officers or employees of this Fund and asked them to get from your home or from your office the records of this Fund so that you would be in a position to testify here today that they were not in your possession or under your control at the time this subpoena was served on you in Chicago?

(The witness conferred with her counsel.)

Miss RUBINSTEIN. That is not the fact.

Mr. SCHERER. That is not a fact?

Miss RUBINSTEIN. Not a fact.

Mr. SCHERER. Where were the records at the time you were in Chicago and were served with the subpoena?

Miss RUBINSTEIN. They were not in my possession or under my control at that time or at any time since.

Mr. SCHERER. Obviously in Chicago they were not in your possession.

Miss RUBINSTEIN. They were not in my possession anywhere.

Mr. SCHERER. Where were they then when you were served with the subpoena?

Miss RUBINSTEIN. I don't know where they were. I only know where they were not. They were not in my home. They were not in my personal possession. They were not anywhere where I had actual control. Whether such records were in existence I am not answering, but I did not have control or possession of any such records at that time.

Mr. SCHERER. When you were served with the subpoena in Chicago, did you know where those records were irrespective of the fact that you say they were not in your possession or under your control?

Miss RUBINSTEIN. When I was served with the subpoena in Chicago I did not know whether such records existed or where they were if they existed.

Mr. SCHERER. When was the last time that you knew whether such records existed?

Miss RUBINSTEIN. This is the same question again that I have declined to answer with respect to a period prior to the subpoena. I have answered at that time and subsequent, not prior, on the grounds of the first and fifth.

Mr. NEEDLEMAN. Is that all?

The CHAIRMAN. With how many subpoenas were you served?

Miss RUBINSTEIN. Two subpoenas and two telegrams, I think.

The CHAIRMAN. When you speak of not having the records in your possession at the time of the service of the subpoena to which subpoena are you referring?

Miss RUBINSTEIN. The first subpoena and any time since.

The CHAIRMAN. All right.

Are there any further questions?

Mr. SCHADEBERG. I have no questions.

The CHAIRMAN. The witness is excused.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Irving Kaplan.

The CHAIRMAN. Mr. Kaplan, do you mind being sworn?

Mr. KAPLAN. No, I just wanted to be sure I got these things back in place.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLAN. I do.

TESTIMONY OF IRVING KAPLAN, ACCOMPANIED BY COUNSEL, ISIDORE NEEDLEMAN

Mr. TAVENNER. Will you state your name, address, and occupation?

Mr. KAPLAN. Irving Kaplan, 360 Central Park West, New York City. Economist is my occupation.

The CHAIRMAN. What is your occupation?

Mr. KAPLAN. Economist.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. NEEDLEMAN. Isidore Needleman, 165 Broadway, New York 6, New York.

Mr. TAVENNER. Mr. Kaplan, I hand you the photostatic copy of a Certificate of Authority for Unincorporated Association Account which has been introduced in evidence as "Rubinstein Exhibit No. 1." I hand it to you and ask you if you see the name "Irving Kaplan, Treasurer," on the statement.

(The document was handed to the witness.)

Mr. KAPLAN. Thank you. I do.

Mr. TAVENNER. Do you see what purports to be a signature of the name Irving Kaplan, treasurer?

Mr. KAPLAN. I do, yes.

Mr. TAVENNER. What is that name that appears as a signature?

(The witness conferred with his counsel.)

Mr. KAPLAN. Well, as I read it, it is Irving Kaplan.

Mr. TAVENNER. You read it as Irving Kaplan. Is there any doubt in your mind but what it is your signature?

Mr. KAPLAN. I would like to consult with counsel.

(The witness conferred with his counsel.)

Mr. KAPLAN. This is a personal question and, before I go on with my response to that, I think it would be well for the record to show what the Fund is since The Fund for Social Analysis, since the hearings—

Mr. TAVENNER. You will be given an opportunity to explain questions about the Fund afterward.

Mr. KAPLAN. My response, I think, will not be properly understood unless there is an understanding of what the Fund is and what I understand it—

The CHAIRMAN. Answer the question, Mr. Kaplan. Is that your signature?

Mr. NEEDLEMAN. He is about to answer the question.

Mr. KAPLAN. I am answering that question.

The CHAIRMAN. Is that your signature?

Mr. KAPLAN. I am answering the question. My response, I think, to be properly understood, has to be understood in the context of the reference to what the Fund is.

The CHAIRMAN. You can answer the question, is that your signature? Then we will go into the other matters.

Mr. KAPLAN. I have various grounds for declining to answer that question and I think that the support of each of those grounds requires some understanding of what The Fund for Social Analysis is.

The CHAIRMAN. Now you answer the question, is that your signature on that paper which was just handed to you?

Mr. KAPLAN. I have said I am going to decline to answer that question on a number of grounds and those grounds include, first, simple human dignity and the universal declaration of human rights which it seems to me is the basis of the rights granted in civilized society and recognized by civilized society and by the Constitution, of the Declaration of Independence of the United States for many, many years.

I am going to decline to answer that statement, that question, for a number of reasons that are more explicitly in the Constitution of the United States and, if you will not let me put into the record the statement as to what the Fund is and what it does, I think the understanding of my answer, my declination may be prejudiced by it.

(The witness conferred with his counsel.)

The CHAIRMAN. Is this not the usual statement requested and required by banks of treasurers of organizations before they honor drafts drawn by the officers in the organization?

Mr. KAPLAN. I cannot answer that question but I would like to submit for the record——

The CHAIRMAN. Just a minute. Let me see that first.

(The document was handed to the chairman.)

(The witness conferred with his counsel.)

The CHAIRMAN. This is a simple certificate of authority for unincorporated association account empowering the withdrawal of funds. Is this your name on this paper furnished to the bank, The Amalgamated Bank of New York, designating you as treasurer of this organization? Is this your signature?

Mr. KAPLAN. I am going to decline to answer that statement, that question, on the grounds I have already given and the grounds also of the ninth amendment to the Constitution of the United States, the first amendment of the Constitution of the United States, and the fifth amendment to the Constitution of the United States, and I would like to state my position on that in full if you will permit me, please.

The CHAIRMAN. You have answered the question.

Go on, Mr. Tavenner, and ask another question.

Mr. TAVENNER. Mr. Kaplan, there was served on you as treasurer of The Fund for Social Analysis a subpoena requiring you to produce certain records.

I now offer in evidence the return made by the investigator of this committee who served the document. May it be marked "Kaplan Exhibit No. 1."

Mr. Kaplan, this document, this subpoena requires you as treasurer to produce—

(1) All books of account of the Fund for Social Analysis showing receipts and disbursements from January 1, 1958, to date;

(2) Cancelled checks of the Fund for Social Analysis from January 1, 1958, to date;

(3) Bank statements of the Fund for Social Analysis from January 1, 1958, to date; and

(4) Copies of all Federal tax returns filed by the Fund for Social Analysis from January 1, 1958, to date.

Please produce the records at this time.

(Document marked "Kaplan Exhibit No. 1" and retained in committee files.)

Mr. KAPLAN. I have here all the records called for by this subpoena which I had in my possession at the time of this subpoena and at the time of a prior subpoena that was served on me calling for exactly the same records, and they include I think all the records.

Well, I am sure they include all the records which I have had in my possession of that kind specified since that time.

I mention that because I think there is included in this one bank statement which arrived subsequent to the first subpoena.

The documents I have are as follows—

Mr. TAVENNER. Possibly if we take them up in the order in which they appear here we can see which you have and which you do not have.

All books of account of The Fund for Social Analysis showing receipts and disbursements from January 1, 1958 to date.

Mr. KAPLAN. All the documents I have in answer to that request or command or demand are encompassed in the bank statements, canceled checks, and the bank books that I brought with me.

The CHAIRMAN. The bank statement would not show who made contributions.

Mr. KAPLAN. I cannot say anything about what the statement would show.

The CHAIRMAN. Mr. Tavenner has asked for something that would contain evidence not appearing in the bank records.

Mr. KAPLAN. I don't see anything in here asking me.

Mr. TAVENNER. All books of account.

(The witness conferred with his counsel.)

Mr. TAVENNER. All books of account of the Fund showing receipts and disbursements.

Mr. KAPLAN. I had no books of accounts at the time either of the subpoenas were served on me or since.

Mr. TAVENNER. Where were they?

Mr. KAPLAN. Other than—

Mr. TAVENNER. Excuse me. Other than what?

Mr. KAPLAN. Other than those I have here with me.

Now, if you will let me run through these, you will know what they are.

Mr. TAVENNER. Yes, but just a moment. Where are the books of account which would show receipts and disbursements?

Mr. KAPLAN. What books of account?

Mr. TAVENNER. Any books of account that you have ever maintained at any time since January 1, 1958, showing receipts and disbursements.

Mr. KAPLAN. These are all the books and accounts I had at the time that either subpoena was served upon me and subsequent thereto.

Mr. TAVENNER. I understand. You have stated that specifically each time.

Now, I did not ask you for them just at the time that the papers were served. I am asking you for all the books that have existed.

Mr. KAPLAN. I had no other books of account.

Mr. TAVENNER. Where are they?

Mr. KAPLAN. At the time.

Mr. TAVENNER. Where are they?

Mr. KAPLAN. How many questions do you ask in one question, Mr. Tavenner?

Mr. TAVENNER. That is only one question. Where are they? Where are the books?

Mr. KAPLAN. I don't know where they are. If you will describe to me what they are, perhaps I could answer your question better.

Mr. TAVENNER. All right, sir. That is a fair proposition.

Did you keep any record of accounts, showing receipts of loans or donations to your organization?

Mr. KAPLAN. Did I keep? When?

Mr. TAVENNER. Did you have any?

Mr. KAPLAN. I kept all these records which I am about to give you.

Mr. TAVENNER. Those are bank statements and checks.

Did you keep any account book or record?

Mr. KAPLAN. Did I maintain an account book or record?

Mr. TAVENNER. Did you have any at any time?

Mr. KAPLAN. I have an account book of an account with the East River Savings Bank.

Mr. TAVENNER. That is an account book between you and the bank. I am talking about a record that would show receipts.

Mr. NEEDLEMAN. Let me correct you. That is an account of The Fund for Social Analysis.

Mr. KAPLAN. The statement on this bank book is: No. 443,748, East River Savings Bank in account with The Fund for Social Analysis.

Mr. WILLIS. Mr. Chairman.

The CHAIRMAN. Mr. Willis.

Mr. WILLIS. Our counsel is now questioning the witness with reference to whether the subpoena duces tecum has been complied with. I think he knows exactly what the pending question is. It is a simple one. I do not think in this area that we should have pussyfooting and, unless forthright answers are forthcoming, I would direct that the witness be ordered to answer the pending question and, failing in which, that we should proceed with other questions and leave him at his risk and peril for failure to respond to a subpoena.

The CHAIRMAN. All right.

Read the first item on the subpoena duces tecum, Mr. Tavenner.

Mr. TAVENNER. All books of account of The Fund for Social Analysis showing receipts and disbursements from January 1, 1958, to date.

Mr. KAPLAN. Now, is that a question directed to compliance with the subpoena duces tecum or is it as I just heard said?

Mr. TAVENNER. It is a demand for the production of those documents.

Mr. KAPLAN. All right. These documents are embraced in the bank statements which I have here, the bank accounts I have here and the bank book I have here and the deposit slips for the bank books that I have with it.

The CHAIRMAN. Did you keep any record of contributions made to the organization?

Mr. WILLIS. And any record showing the disbursements?

Mr. KAPLAN. Is this a question directed to my compliance with the subpoena?

The CHAIRMAN. I am asking this question.

Mr. KAPLAN. I am a little confused now because I heard a speech which said that we have now departed from this.

The CHAIRMAN. Did you, in your official capacity, keep a record of contributions made to the organization and disbursements that you made?

Mr. KAPLAN. May I consult counsel, please?

(The witness conferred with his counsel.)

Mr. KAPLAN. I have been a bit confused by the statements on the one hand that now the question has departed from the compliance with the subpoena duces tecum and then in furtherance of it having read to me again the first item of the subpoena. Now, I think I will answer your question in both ways at once and we may save time that way.

The CHAIRMAN. You are directed to answer the question that I asked.

Mr. NEEDLEMAN. What question was that?

The CHAIRMAN. Did you keep a record of the receipts of contributions made to your organization and of disbursements that you, as an official of the organization, made?

Mr. KAPLAN. That involves a question as to me as an official and I am not testifying as to that. I am invoking the declaration of human rights, the ninth amendment to the Constitution which embraces it, the first amendment to the Constitution and the fifth amendment to the Constitution of the United States.

The CHAIRMAN. You are now directed to answer this question.

Mr. KAPLAN. My answer is—

Mr. NEEDLEMAN. Wait a minute. Just a moment. I would like to know, Mr. Chairman, in order to properly advise my client, are you asking, now directing him to answer whether he ever kept any records at any time, regardless of the subpoena's service, at the time of the subpoena's service?

The CHAIRMAN. No, I did not refer to that at all. I have asked the question. You heard it.

Mr. NEEDLEMAN. I would like to have it.

The CHAIRMAN. Read the question.

(The record was read by the reporter.)

The CHAIRMAN. You are directed to answer that question.

Mr. KAPLAN. Well, I still do not know whether you are asking the question described by Mr. Willis before as something separate from the subpoena or as part of it and I will answer it in all respects as I can understand it right now so that there can be no question about it.

I was accused of pussyfooting but it doesn't seem to me that I am the one.

Mr. WILLIS. I did not say you were pussyfooting. I said there should be none.

The CHAIRMAN. I asked a very simple question.

Mr. KAPLAN. The answer is this is all the books of accounts, all the records with respect to books of accounts that I had at the time the subpoena was served and since then I have here to the present.

The CHAIRMAN. That is not responsive.

Mr. KAPLAN. I am not finished with my answer, sir.

The CHAIRMAN. That is not responsive to the question. I did not ask you about that at all. I asked you did you keep a record?

Mr. KAPLAN. I am going to answer the rest of your question.

I told you I was going to take it apart so that I would be sure of what I am answering because I don't understand what you are asking.

(The witness conferred with his counsel.)

Mr. SCHERER. Mr. Chairman, I think the question is plain. There has been a direction to answer. I think we should proceed now.

Mr. NEEDLEMAN. Oh, no, Mr. Scherer. I will not permit the record to stand that way. What are you trying to do, trap him? He wants to give the second part of the answer.

The CHAIRMAN. Just a minute.

Mr. NEEDLEMAN. Are you trying to trap the witness or are you trying to elicit information?

Mr. SCHERER. Keep your voice down.

Mr. NEEDLEMAN. I don't like that kind of tactic.

The CHAIRMAN. Just a minute. This is a very simple question.

Mr. NEEDLEMAN. Let's get the question simple.

Mr. KAPLAN. I have explained that I am going to try to answer it in both ways. I don't understand whether it is with reference to the duces tecum or not and I am going to answer it in both respects.

With reference to the duces tecum I have here all the records that I had at the time the first subpoena was served and all that I have acquired since that are called for by that subpoena including this one "All books of accounts," and so forth. With respect to any aspects of your question which may refer to any period—period prior to that subpoena, or to the identification of me as an officer of this Fund, I decline to answer on the grounds I have already given you.

(The witness conferred with his counsel.)

Mr. KAPLAN. All right. The declaration of human rights and, since I am repeating them, I might as well give you the sections in the declaration of human rights.

The CHAIRMAN. Do not bother.

Mr. KAPLAN. The first section is Article 10, which says everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and it seems to me this right is being violated right now.

(The witness conferred with his counsel.)

Mr. KAPLAN. In addition there are two other sections of the declaration of human rights.

The CHAIRMAN. Never mind. We are acquainted with that. Go ahead, Mr. Tavenner.

Mr. KAPLAN. I wonder whether you are. Article 19—

The CHAIRMAN. Just a moment.

Mr. KAPLAN. Then on the grounds—

The CHAIRMAN. I directed you to answer the question of whether or not—

Mr. KAPLAN. I answered.

The CHAIRMAN. —whether or not you kept a record of the contributions made to this organization and of the disbursements of the funds of the organization that you made as an officer of the organization.

(The witness conferred with his counsel.)

Mr. KAPLAN. With respect to any aspects of that question which deals with a period prior to the service of the subpoena I have already told you that I am declining to answer on the grounds of human rights, the ninth amendment which embraces it, the first amendment, and the fifth amendment which is designed particularly against giving testimony under conditions of harassment.

The CHAIRMAN. All right. Go ahead, Mr. Tavenner.

Mr. TAVENNER. You do not rely upon the fifth amendment, then, on the grounds that to answer the question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. KAPLAN. I rely on the fifth amendment on the ground that I have no faith, no trust that this committee in asking that question is not seeking information and that my answer may not give the information which may lead to harassment of all kinds including legal sanctions.

This committee and members of it have from time to time boasted of the sanctions that they have imposed upon witnesses here.

Mr. TAVENNER. Then you do rely on it. Then you do rely upon the self-incriminatory clause?

Mr. KAPLAN. I have answered the question.

The CHAIRMAN. Yes, he did. He invoked the fifth amendment. Proceed, Mr. Tavenner.

Mr. TAVENNER. The subpoena duces tecum requires the production of canceled checks of The Fund for Social Analysis from January 1, 1958.

Produce them, please.

Mr. KAPLAN. The canceled checks are in the bank statement of The Amalgamated Bank of New York at the time when they were returned with the statement.

Mr. TAVENNER. Those are the same documents you handed me a moment ago or tendered a moment ago?

Mr. KAPLAN. I offered them.

The CHAIRMAN. Are the canceled checks there?

Mr. NEEDLEMAN. They are in each monthly statement.

Mr. TAVENNER. Beginning at what date?

Mr. KAPLAN. The first of these statements begins November 14, 1958. The last of these statements ends April 1, 1961, which presumably covers the statement for the whole month of April.

The CHAIRMAN. How many checks were issued in May?

Mr. KAPLAN. I am offering this to the committee for its perusal and I would rather not say how many checks are in there.

Mr. NEEDLEMAN. They are in here.

Mr. TAVENNER. You have not produced the canceled checks at the East River Savings Bank.

Mr. KAPLAN. At the East River Savings Bank there are no canceled checks. I have never heard of a savings bank with canceled checks.

Mr. WILLIS. Mr. Chairman, in order to satisfy my mind as to the compliance with the subpoena, I ask the witness, are you now saying—and there is a vast distinction—that the checks you are producing embrace all of the checks that were issued from November 14, 1958, to April 1, 1961, or are they those that you happened to have in your possession at the time of the issuance of the subpoena?

(The witness conferred with his counsel.)

Mr. KAPLAN. Each statement contains the checks that were issued or that were received by the bank during that month and they are all in there.

Mr. NEEDLEMAN. Did you understand that, Congressman?

Mr. WILLIS. He is not answering the question.

Mr. NEEDLEMAN. I think it does.

In other words, each monthly statement has a certain number of checks that show they were received by the bank. Those checks are in there.

Mr. TAVENNER. The third requirement is that you produce the bank statements of The Fund for Social Analysis from January 1, 1958.

Mr. KAPLAN. The bank statements.

Mr. TAVENNER. Yes.

Mr. KAPLAN. The checks are in the bank statements.

Mr. TAVENNER. Now, you said there was a savings account at the East River Savings Bank. Do you have the savings account book?

Mr. KAPLAN. I have the savings account book here. It is Book No. 443,748, East River Savings Bank.

Mr. TAVENNER. Does it show the deposits and withdrawals?

Mr. KAPLAN. "In account with The Fund for Social Analysis," and it shows a column for deposits, a column for interest, a column for withdrawals, and a column for balance.

The CHAIRMAN. Before making the deposit in that savings account, what record did you keep for your own information of the source of the funds thus deposited?

(The witness conferred with his counsel.)

Mr. KAPLAN. Insofar as this question relates to the period subsequent to the issuance of the subpoena, the receipt of the first subpoena by me, there were no such transactions, no receipts or disbursements of any kind that I made.

With respect to the period prior to the issuance of the subpoena, I decline to answer on the grounds that I have already given.

Mr. WILLIS. Let me ask this question.

The CHAIRMAN. I direct you to answer that question, Mr. Witness.

Mr. KAPLAN. I decline to answer on the grounds of the declaration of human rights.

The CHAIRMAN. The same grounds?

Mr. KAPLAN. The ninth, first, and fifth amendments. Is "the same grounds" all right from now on?

The CHAIRMAN. Yes.

Mr. KAPLAN. All right.

Mr. WILLIS. Were there transactions in cash or otherwise regarding the receipt of funds that were not deposited and would not be revealed by the bank statements and checks you have exhibited?

Mr. KAPLAN. I do not understand that question.

(The witness conferred with his counsel.)

Mr. KAPLAN. I have already testified that I was involved in no transactions with funds subsequent to the receipt of the subpoena.

With respect to the prior period, I decline to answer on the grounds I have already given.

Mr. WILLIS. It is argumentative but anyone would conclude that the statements you are now submitting are completely unrevealing of receipts and disbursements, and we are now talking about legislation, Mr. Chairman, having to do with income tax.

The CHAIRMAN. All right. Go ahead, Mr. Tavenner.

Mr. TAVENNER. The fourth item in the subpoena called for copies of all Federal tax returns filed by The Fund for Social Analysis from January 1, 1958, to date.

Will you produce them at this time, please?

Mr. KAPLAN. I have no copies of any tax returns of The Fund for Social Analysis. I had no such copy at the time that the subpoena was issued to me or that I received the subpoena, and so I have nothing to deliver to you on that.

Mr. TAVENNER. Where were the copies of the returns when the subpoena was served on you?

Mr. KAPLAN. Well, we are getting back to the form of the question, that it is one of these double or triple questions that we hassled over before for a long time and, in order to save time, I will simply come to the conclusion I suppose we will come to after a lot of fumbling around with this and just decline to answer with respect to any period prior to the issuance of the subpoena.

I have already answered that subsequent to the issuance I have had no such documents.

Mr. TAVENNER. Will you hand over to the investigator, please, the documents which you put on the table there?

Mr. NEEDLEMAN. We are going to get them back?

Mr. TAVENNER. Oh, yes. Mr. Chairman, we would like a little time to look at these documents and I may want to ask him some further questions.

Mr. KAPLAN. These statements—

Mr. NEEDLEMAN. These bank statements you can take your time with.

The East River Bank book, Mr. Chairman, I will show to you but, if you need any further information out of it outside of perusal, we will give you a photostatic copy of it.

Mr. KAPLAN. Mr. Tavenner, this you haven't covered so I would like to describe what it is.

Mr. TAVENNER. Very well.

Mr. KAPLAN. This is the checking book with the entries as to checks drawn and the deposit slips, receipts when there were deposits made in The Amalgamated Bank.

(The document was handed to Mr. Tavenner.)

Mr. TAVENNER. Do you have deposit slips for the deposits made at the East River Savings Bank?

Mr. KAPLAN. The East River Savings Bank book has a deposit receipt stamped in it.

Mr. TAVENNER. You have no separate deposit receipts—slips?

Mr. KAPLAN. I think that is usual in a savings account.

The CHAIRMAN. Now, referring to this East River Savings Bank book, there are a number of withdrawals in large sums. To whom were these amounts paid? January 4, 1960, \$2,500. To whom did that go?

Mr. KAPLAN. Mr. Chairman, as you expect, I decline to answer that question on the grounds I have already given. If you wanted some understanding, it seems to me that the public record of the Fund would give it to you with respect to that.

The CHAIRMAN. No, that is the point. It does not. The only record that would disclose where this money came from—

Mr. KAPLAN. If you would permit me.

The CHAIRMAN. —and who got it would be your own records.

Mr. KAPLAN. You have the records.

Mr. NEEDLEMAN. May I point out, Mr. Chairman, that you have a record from the previous witness that was introduced in the record that I turned over to Mr. Tavenner which listed the names of recipients if I am not mistaken, and I would assume that that is where the money went.

The CHAIRMAN. From this account?

Mr. NEEDLEMAN. Yes, sir.

Mr. KAPLAN. And also you just got the canceled checks, didn't you?

Mr. TAVENNER. I have some of the canceled checks.

Mr. KAPLAN. You have all the canceled checks that I have, not some of them.

Mr. DOYLE. May I ask one question?

This bank book of the East River Savings Bank which you produced under subpoena shows as of January 11, 1961, a balance of \$4,783.34. Are there any outstanding checks against this account which have not yet come back to you?

Mr. KAPLAN. May I consult with counsel?

(The witness conferred with his counsel.)

Mr. KAPLAN. Mr. Doyle, I would like to point out that I just gave Mr. Tavenner an additional record that I brought with me which he had not reviewed with me and that includes the Amalgamated checking account bank book from which all the checks were issued.

Mr. DOYLE. I see.

Mr. KAPLAN. So that your record will show when the checks returned were issued, are all in.

Mr. DOYLE. That shows checks on both accounts?

Mr. KAPLAN. No, there are no checks on the savings account except if you withdraw money you can take it by check or cash; but you don't draw on a savings account by check.

Mr. DOYLE. Have you made all of the deposits that appear in this East River Savings Bank yourself? I mean, have you attended to the detail?

Mr. KAPLAN. I decline to answer that question on the grounds I have already given.

Mr. WILLIS. May I have two questions, Mr. Chairman. In the first month of your operation, according to the transactions revealed in 1958 by the savings book, it appears that from January 24 you made a

deposit, a savings deposit of \$300, on the same date you made another one of \$1,000, and 6 days later, on January 30, you made another one of \$100, which is \$1,400 for that month.

Did you produce or do you have, or did the Fund have, records to show where this money came from, the individuals, contributors, the donors, any other way you want to describe them?

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. I may have missed the question.

Mr. WILLIS. We are talking about records.

Mr. KAPLAN. It is the records of deposits you are talking about?

Mr. WILLIS. Yes, and I am asking you did you produce today or do you have, or did the Fund ever have, books and records that would reveal where this \$1,400 came from—donations, contributions or any other way?

(The witness conferred with his counsel.)

Mr. KAPLAN. I had no record indicating where any of those funds came from on the date that the first subpoena was given to me.

Mr. WILLIS. You say "I." My question was broader than that.

Mr. KAPLAN. Well, I am answering as to what I know.

Mr. WILLIS. All right.

Mr. KAPLAN. I had no record at that date. As to a prior date, as you know, already, I have refused to answer that question because it was given to me in general form on the grounds—

Mr. WILLIS. In other words, let us be accurate. What you are saying is that when the subpoena was served on you, you did not have possession of the books that would show where this money came from in January 1958.

Mr. NEEDLEMAN. That is correct.

Mr. KAPLAN. That is correct. I did not have any records to show that at that time. That's right.

Mr. SCHERER. Who had those records at that time?

Mr. KAPLAN. That is another one of those double questions, assuming that somebody had the records.

Mr. SCHERER. That is just one question. Who had the records?

Mr. KAPLAN. I have no knowledge of whether anyone had such records or who had the records at that time.

The CHAIRMAN. All right. Go ahead.

Mr. DOYLE. May I ask one question? Did the Fund, during the time you have been identified with it in any capacity, ever keep such records as we have been questioning about?

Mr. KAPLAN. Mr. Doyle, I haven't testified that I have been connected with the Fund in any capacity.

Mr. DOYLE. Well, I will not argue with you.

The CHAIRMAN. No. Proceed, Mr. Tavenner.

Mr. TAVENNER. I think, in light of one answer the witness gave, I should ask him this question. Did you at any time turn over to any person any record showing the source of the receipts of money by The Fund for Social Analysis?

(The witness conferred with his counsel.)

Mr. KAPLAN. With respect to the period subsequent to the first subpoena served on me, from that date on, the answer is no, I did not.

Mr. TAVENNER. All right. Now, from that date back—

Mr. KAPLAN. From that date back I decline to answer on the grounds I have already given.

Mr. TAVENNER. I ask for direction.

The CHAIRMAN. You are directed to answer the question.

Mr. KAPLAN. I decline on the grounds I have already given.

Mr. TAVENNER. When was The Fund for Social Analysis organized?

Mr. KAPLAN. I decline to answer on the grounds I have already given.

Mr. TAVENNER. Did you participate in its organization?

Mr. KAPLAN. I decline to answer on the grounds I have already given.

Mr. TAVENNER. Are you acquainted with Harry Magdoff, the president of the organization?

Mr. KAPLAN. I decline to answer on the grounds that I have already given.

Mr. TAVENNER. Do you know whether Harry Magdoff is now or at any time has been a member of the Communist Party?

Mr. KAPLAN. I believe that question is introduced simply for the purpose of creating a smear instead of letting me put into the record the statement that has been made public as to what the Fund is, and I decline to answer the question on the grounds I have already given.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. KAPLAN. That is another one of those questions. I decline to answer.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mr. KAPLAN. I decline to answer any such question.

Mr. NEEDLEMAN. On the grounds previously stated.

Mr. WILLIS. Is counsel correct? Do you decline to answer the question on the grounds previously stated?

Mr. KAPLAN. Am I instructed to answer that question, Mr. Chairman?

The CHAIRMAN. He has answered it.

Mr. TAVENNER. Mr. Chairman, I would like to have a few minutes during the noon recess to examine the documents that are presented.

I think this would be a good time to adjourn and call the witness back after lunch.

The CHAIRMAN. Yes. The House is not in session and I suggest that we make every effort to be here at 1:30.

The committee is in recess until 1:30.

(Whereupon, at 12:05 p.m., May 31, 1961, the subcommittee recessed, to reconvene at 1:30 p.m., this same day.)

AFTERNOON SESSION, WEDNESDAY, MAY 31, 1961

(The subcommittee reconvened at 1:30 p.m., Hon. Francis E. Walter, chairman of the committee, presiding.)

The CHAIRMAN. The committee will be in order.

The Chair appoints a subcommittee, consisting of Messrs. Doyle, Scherer, and myself, to proceed with this afternoon's hearing.

There is a quorum of the subcommittee present.

Mr. Tavenner, will you proceed.

TESTIMONY OF IRVING KAPLAN—Resumed

Mr. TAVENNER. Mr. Kaplan, I have before me Rubinstein Exhibit No. 7, which is the document she presented, showing the names of persons who have been granted awards. Will you examine it, please, and state whether there are any other persons who were made grants or awards besides those mentioned?

Mr. KAPLAN. I decline to answer on the grounds I have already given in this morning's session. Do you want me to repeat those grounds?

Mr. TAVENNER. No.

We have checked your bank records during the noon hour, and we find checks in your files showing payment of grants to all of those mentioned in the exhibit with the exception of one, and that was Prof. Paul A. Baran. Will you tell the committee why there is no check here evidencing the payment of the grant to Mr. Baran?

Mr. KAPLAN. I take it you mean the Fund bank records were checked. You said my records.

Mr. TAVENNER. Yes. The records which you presented here this morning. If you desire to look at your bank book, I would be very glad to give it to you.

Mr. KAPLAN. May I have the question?

Mr. TAVENNER. I will restate it.

The question is: What became of the check—or was there a check—evidencing a grant to Dr. Baran?

Mr. KAPLAN. I had no check at the time that the subpoena came; nor have I received one since.

Mr. TAVENNER. How was Dr. Baran paid?

Mr. KAPLAN. I decline to answer on the grounds already stated.

Mr. TAVENNER. What amount was paid to Dr. Baran?

Mr. KAPLAN. You are referring to Paul A. Baran?

Mr. TAVENNER. Yes; I am asking you how much was paid to Dr. Baran?

Mr. KAPLAN. I decline to answer on the grounds already stated.

Mr. TAVENNER. For what purpose was money paid to Dr. Baran?

Mr. KAPLAN. Same answer.

Mr. TAVENNER. The committee procured by a subpoena duces tecum copies of checks issued by the East River Savings Bank against the savings account which was in the name of The Fund for Social Analysis. I hand you a check bearing date November 14, 1958, for \$800, which bears the endorsement, "The Fund for Social Analysis, Irving Kaplan, Treas."

Will you examine it, please? Is that your signature, as an endorsement on the check?

Mr. KAPLAN. I decline to answer for the reasons given.

Mr. TAVENNER. For what purpose was that check of \$800 delivered?

Mr. KAPLAN. I decline to answer.

Mr. TAVENNER. I desire to offer the check in evidence and ask that it be marked "Kaplan Exhibit No. 2."

(Document marked "Kaplan Exhibit No. 2" and retained in committee files.)

Mr. TAVENNER. I hand you now a check bearing the endorsement, "The Fund for Social Analysis, John Kaplan, Tr.—Irving Kaplan, Tr." instead of John Kaplan.

Mr. NEEDLEMAN. No; I do not think that is right. That is a bank check, and the treasurer is the treasurer of the bank, Mr. Tavenner. He talked about Mr. Kaplan, treasurer, here, on the face of the check.

Mr. TAVENNER. I do not recall exactly what I said; so please strike the question, and I will reframe it.

I hand you a check bearing date of May 8, 1959, payable to The Fund for Social Analysis, in the amount of \$1,400, endorsed on the back, "The Fund for Social Analysis, Irving Kaplan, Tr."

Will you examine it, please, and state whether that is your endorsement?

Mr. KAPLAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. For what purpose was that check of \$1,400 used?

Mr. KAPLAN. I refuse to answer on the grounds already given.

Mr. TAVENNER. I ask that it be offered in evidence and that it be marked "Kaplan Exhibit No. 3."

(Document marked "Kaplan Exhibit No. 3" and retained in committee files.)

Mr. TAVENNER. I hand you a check bearing date January 4, 1960, in the amount of \$2,500, payable to the order of The Fund for Social Analysis. The endorsement, "The Fund for Social Analysis, Irving Kaplan, Tr."

Will you examine that, please, and state whether or not that is your endorsement?

Mr. KAPLAN. I refuse to answer on the grounds I have already given.

Mr. TAVENNER. For what purpose was that money used?

Mr. KAPLAN. I refuse to answer on the grounds given.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Kaplan Exhibit No. 4."

The CHAIRMAN. Mark it and make it a part of the committee records.

(Document marked "Kaplan Exhibit No. 4" and retained in committee files.)

Mr. TAVENNER. I hand you now a check bearing date July 14, 1959, payable to The Fund for Social Analysis, in the amount of \$1,000, stamped on the back of which is the following: "Credited to the account of the within-named payee." The payee of the check is The Fund for Social Analysis.

Will you examine it, please, and state where that check was deposited?

Mr. KAPLAN. I refuse to answer on the grounds I have already stated.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Kaplan Exhibit No. 5."

(Document marked "Kaplan Exhibit No. 5" and retained in committee files.)

Mr. TAVENNER. Mr. Kaplan, was any part of the funds deposited in either of the two bank accounts of The Fund for Social Analysis derived from the Communist Party?

Mr. KAPLAN. May I consult with counsel?

(The witness conferred with his counsel.)

Mr. KAPLAN. I feel that this question is being put into the record for innuendo purposes, and I refuse to answer it on the grounds I have stated.

Mr. TAVENNER. Then what was the source of these funds?

Mr. KAPLAN. I refuse to answer on the grounds I have stated.

Mr. TAVENNER. You were a member of the Awards Committee, were you not?

Mr. KAPLAN. I refuse to answer that question on the grounds stated.

Mr. TAVENNER. What criteria were used by the Awards Committee if you know, for the selection of persons to be given grants?

Mr. KAPLAN. The Fund for Social Analysis has publicly issued a number of documents that state its purposes.

Mr. TAVENNER. Now, just a moment. I asked you for your personal knowledge.

Mr. KAPLAN. I have read those documents. I have one of them here and would like to put it into the record.

This is a document headed, "Statement of Policy, Fund for Social Analysis."

Mr. DOYLE. May I inquire, Mr. Chairman: Whose name is on that statement?

Mr. KAPLAN. The Fund for Social Analysis is the name on the statement.

Mr. TAVENNER. Why is there no other name or address given on this? Is there any special reason?

Mr. KAPLAN. No. I have seen the statement published on a number of occasions. It has never occurred to me that an organization that publishes its statement must put an address on that particular publication. I am sure that The Fund for Social Analysis has issued other statements with addresses.

And I would like to submit for the record another one publicly issued, called "Announcement," which has the address on it.

Mr. TAVENNER. Will you state what the address is, please?

Mr. KAPLAN. The address is: "The Fund for Social Analysis, 165 Broadway, New York."

Mr. TAVENNER. Is that the office of the association?

Mr. KAPLAN. That is what it is stated here is the office of the association. I have given you the document.

Mr. TAVENNER. Is it the office?

Mr. KAPLAN. I refuse to answer that question on the grounds I have already stated.

The CHAIRMAN. I direct you to answer that question.

Mr. KAPLAN. I have given you here a document that I have possession of, that has been publicly issued. As to the question as to what is the address of the Fund, as distinguished from what it says in that document, I refuse to answer on the grounds I have already stated.

Mr. DOYLE. May I ask, Mr. Chairman: Is that a public statement made by the Fund?

Mr. KAPLAN. This is a public statement headed "The Fund for Social Analysis."

Mr. DOYLE. Well, is it a public statement by the Fund of which your check shows you are treasurer?

Mr. KAPLAN. That is the same question asking me about my association with the Fund, and you know I have refused to answer that question.

Mr. DOYLE. You are offering this as identification of a public statement by somebody?

Mr. KAPLAN. I am offering this as a statement purporting to be issued by the Fund as a basis for a response to the question asked of me as to whether I know what are the standards used by the Awards Committee of the Fund for giving grants.

Mr. DOYLE. All right.

Mr. KAPLAN. I think in these statements you will find those standards. So far as I know, this is what the standards are.

It says:

In making its awards the Fund will be guided solely by its estimate of the intellectual qualifications of the applicants and the significance of the problems they propose to study. Its object is to promote research in an area of inquiry, not to popularize a set of uncriticized beliefs.

Then it goes on with further elaboration of that.

The announcement, which seems to me to be obviously in a form suitable for posting on university bulletin boards, summarizes that, and it says:

The grants are awarded by a committee elected by the members of the Fund. In making its awards, the committee is guided solely by its evaluation of the scientific importance of the projects proposed and by its estimate of the qualifications of applicants to carry out the proposed studies.

Since 1958, the Fund's first year of operation, 6 grants totalling \$9,000 were made in the fields of economics and history.

That is the public statement as to these.

Mr. DOYLE. What public record did you make of the \$9,000 that was received and distributed by the Fund? You have just given that as authority for the fact that some \$9,000 was given in grants. Now, what record have you ever had of those grants?

Mr. KAPLAN. I was giving this as a public statement of the Fund.

Mr. DOYLE. Well, you were treasurer. What book record did you ever make for income tax purposes?

Mr. KAPLAN. I have never testified here that I was treasurer.

Mr. DOYLE. No; but your record shows you were. You have signed all the bank checks as treasurer. I saw them this noon. They are right here on the counsel's table.

What record did you ever make for income tax purposes or any other record of this \$9,000 that you paid out, as treasurer? Any?

Mr. KAPLAN. I decline to answer that on the grounds I have already stated.

Mr. DOYLE. Sure. You are very proud of a statement but refuse to accept any responsibility for it.

The CHAIRMAN. All right. Let us go on.

Mr. KAPLAN. I offered to make a statement earlier that the chairman would not let me make, elaborating on my reasons for not answering these questions. I want the record to show that.

Mr. TAVENNER. In the statement you read a moment ago, you said that the Awards Committee would pass upon the qualifications of applicants. As a member of the Awards Committee, did you pass upon the qualifications of Dr. Aptheker before making him a grant of \$1,000?

Mr. KAPLAN. I have not testified to any association with the Fund.

Mr. TAVENNER. What qualifications did Dr. Aptheker have which appealed to you, as a member of the Awards group?

Mr. KAPLAN. I don't see the relevancy of that question to the subject.

Mr. TAVENNER. Let me explain the relevancy.

Was not Dr. Aptheker known to you at that time to be a member-at-large of the National Committee of the Communist Party representing the State of New York?

Mr. KAPLAN. I refuse to answer that question on the grounds already given.

Mr. TAVENNER. Now, do you have any further statement that you desire to make regarding the purposes and the activities of The Fund for Social Analysis?

If you do, I want to give you an opportunity to state it.

Mr. KAPLAN. Are these documents going to be put into the record?

Mr. TAVENNER. Yes. I will put those into the record.

I offer in evidence a statement, "The Fund for Social Analysis, Statement of Policy," to be marked as "Kaplan Exhibit No. 6," and an "Announcement" by The Fund for Social Analysis, undated, but showing an address of Room 2800, 165 Broadway, New York 6, New York, and ask that it be marked "Kaplan Exhibit No. 7."

(Documents marked "Kaplan Exhibits Nos. 6 and 7" follow:)

KAPLAN EXHIBIT NO. 6

THE FUND FOR SOCIAL ANALYSIS

STATEMENT OF POLICY

The Fund for Social Analysis is an informal organization of individuals interested in aiding research on problems of Marxist theory and its application. The Fund is designed to bring together people who want to encourage such studies and to provide financial assistance toward their production. It operates without paid personnel or other overhead costs. Money is raised entirely through the voluntary activities of the membership, and all contributions are allocated in their entirety for research grants.

Socialist thinking in the United States has traditionally neglected analytical and basic theoretical work. The retarding effect of this failure on the socialist and labor movements in our country is today more apparent than ever before. Under the recent pressures for social conformity, research on problems opened up by Marxist theory has dwindled to a particularly low level. It is the purpose of the Fund to do what it can to correct this situation by providing grants-in-aid for research and publication to social scientists analyzing or applying Marxist hypotheses.

In making its awards the Fund will be guided solely by its estimate of the intellectual qualifications of the applicants and the significance of the problems they propose to study. Its object is to promote research in an area of inquiry, not to popularize a set of uncriticized beliefs. Every scientist must be to some extent a critic of the theories he examines or applies. He alone is the proper person to decide how far the criticism shall go.

Projects for books or essays in all fields of social science will be welcomed. Topics bearing upon current problems will be given preference over those of purely historical interest. Topics bearing upon the United States will be given preference over those solely concerned with other countries.

KAPLAN EXHIBIT No. 7

THE FUND FOR SOCIAL ANALYSIS

Room 2800

165 BROADWAY

NEW YORK 6, N.Y.

ANNOUNCEMENT

The Fund for Social Analysis is again offering a limited number of grants-in-aid for studies of problems posed by Marxist theory and its application. Projects for books and essays in all fields of social science, including social philosophy and the sociology of science, are welcomed. Preference is given to studies of current relevance over those of purely historical interest, to studies related to the United States over those mainly concerned with foreign countries, and to studies already underway over projects merely in outline.

Grants ordinarily range from \$500 to \$3,000, but applications for larger or smaller amounts are considered. Grants may be requested for an entire project, or for any part, or for assistance in research, editing or publication.

The Fund for Social Analysis is an informal organization of individuals interested in aiding Marxist research. It operates without paid personnel or other overhead costs. All money raised by the sponsors is distributed in grants.

The grants are awarded by a committee elected by the members of the Fund. In making its awards, the committee is guided solely by its evaluation of the scientific importance of the projects proposed and by its estimate of the qualifications of applicants to carry out the proposed studies.

Since 1958, the Fund's first year of operation, 6 grants totalling \$9,000 were made in the fields of economics and history.

Letters of inquiry and requests for information should be addressed to the Corresponding Secretary, The Fund for Social Analysis, Room 2800, 165 Broadway, New York 6, N.Y.

Mr. TAVENNER. And that reminds me. I would like to ask you another question about that.

At this address of Room 2800, 165 Broadway, is there any sign or anything else exhibited there to indicate that it is the office of The Fund for Social Analysis?

Mr. KAPLAN. I refuse to answer that question on the grounds given.

Mr. TAVENNER. 165 Broadway, New York, is the address given by your counsel when he identified himself for the record, here. Is it his office in which the office of The Fund for Social Analysis is maintained?

Mr. KAPLAN. I refuse to answer that question for the reasons given.

Mr. TAVENNER. If you have anything further to state, you may state it.

Mr. KAPLAN. If you have put these documents in the record, I think they speak for themselves.

Mr. TAVENNER. You stated that you would need to have returned to you immediately the East River Savings Bank book, which I am glad to do. I hand it to you now.

Mr. NEEDLEMAN. Mr. Tavenner, will the record show that the other documents will be returned to counsel?

Mr. TAVENNER. It already shows it. I told you they would be; very promptly.

The CHAIRMAN. Are there any questions?

Mr. DOYLE. I have one question:

May I have one of the gentleman's checks? What is the address, if you know, of 103 or 163 Broadway, New York? Is that your office, or any office you are familiar with?

Mr. KAPLAN. 103?

Mr. DOYLE. I think it was 163 that appeared on one of your checks.

Mr. NEEDLEMAN. You mean 165.

Mr. DOYLE. I may have mistaken a 5 for a 3, but I am quite sure I saw it.

Mr. KAPLAN. That is a repetition of the last question Mr. Tavenner asked, I think.

Mr. DOYLE. Do I understand that you are claiming your privilege as to whether or not you are the signer of these several checks that you have produced to the committee as treasurer of the Fund?

Mr. KAPLAN. Correct.

Mr. DOYLE. You are not admitting that that is your signature?

Mr. KAPLAN. Correct.

Mr. DOYLE. But you did have these records. You have had these records in your possession ever since you were subpoenaed the first time?

Mr. KAPLAN. I had these records in my possession when I was subpoenaed the first time.

Mr. DOYLE. Has there been any other treasurer of this Fund than you since its inception?

Mr. KAPLAN. I decline to answer on the grounds given.

The CHAIRMAN. The witness is excused.

(At this point the witness was excused.)

The CHAIRMAN. Will you call your next witness?

Mr. TAVENNER. Yes, sir. Mr. Magdoff, will you come forward, please?

The CHAIRMAN. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MAGDOFF. I do.

What is the point to this? I asked that there be no pictures taken. Isn't there a matter of courtesy here?

TESTIMONY OF HARRY SAMUEL MAGDOFF, ACCOMPANIED BY COUNSEL, NORMAN REDLICH

Mr. TAVENNER. Mr. Magdoff, will you state your name, and place of residence, and occupation?

Mr. MAGDOFF. My name is Harry Magdoff. I live at 20 West 84th Street, New York City. I am a financial consultant.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. REDLICH. Norman Redlich, 29 Washington Square, New York, New York.

Mr. TAVENNER. Mr. Magdoff, I hand you "Rubinstein Exhibit No. 1," which is a statement by an Annette T. Rubinstein, secretary of The Fund for Social Analysis, giving the names of the officers of the organization. (See p. 7.)

I call your attention to the name of the first officer and ask you to state who it is, as shown from the document.

Mr. MAGDOFF. I read from the document that the first name listed is Harry Magdoff, president.

Mr. TAVENNER. Do you see a signature appearing after the title "President"?

Mr. MAGDOFF. I see a signature.

Mr. TAVENNER. What is the name?

Mr. MAGDOFF. The name, as I read it, is Harry Magdoff.

Mr. TAVENNER. Is that your signature?

Mr. MAGDOFF. I decline to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. Mr. Magdoff, there was served upon you as president of The Fund for Social Analysis a subpoena duces tecum requiring the production before the committee of certain documents. I will read the list of the documents directed to be produced:

(1) All minutes of the meetings of the Awards Committee of The Fund for Social Analysis from January 1, 1958, to date;

(2) All minutes of the meetings of the Administrative Committee of The Fund for Social Analysis relating to grants and/or awards from January 1, 1958, to date;

(3) Copies of all letters or memoranda from The Fund for Social Analysis and/or any of its officers, agents, or employees, to individuals, corporations, or associations, relating to donations and/or loans made to The Fund for Social Analysis from January 1, 1958, to date;

(4) All letters or memoranda received from individuals, corporations, or associations to The Fund for Social Analysis and/or any of its officers, agents, or employees, relating to donations and/or loans to The Fund for Social Analysis, from January 1, 1958, to date;

(5) All applications, letters, or memoranda from individuals addressed to The Fund for Social Analysis and/or any of its officers, agents, or employees seeking grants or awards of money from The Fund for Social Analysis from January 1, 1958, to date;

(6) Copies of all letters or memoranda of The Fund for Social Analysis or any of its officers, agents, or employees, relating to grants or awards or money by The Fund for Social Analysis from January 1, 1958, to date;

(7) All books of account of The Fund for Social Analysis, showing receipts and disbursements, from January 1, 1958, to date;

(8) Cancelled checks of The Fund for Social Analysis from January 1, 1958, to date;

(9) Bank statements of The Fund for Social Analysis from January 1, 1958, to date;

(10) Copies of all Federal tax returns filed by The Fund for Social Analysis from January 1, 1958, to date.

I desire to offer the return of this subpoena in evidence and ask that it be marked "Magdoff Exhibit No. 1."

(Document marked "Magdoff Exhibit No. 1," and retained in committee files.)

Mr. TAVENNER. Will you please present the documents called for at this time?

Mr. MAGDOFF. I didn't bring any such documents because I have no such documents, nor did I have any such documents since the subpoena was served.

Mr. TAVENNER. You say you had no such documents after the subpoena was served. Did you have any before the subpoena was served?

Mr. MAGDOFF. On that I decline to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. Where were these documents that have been called for before you were served with the subpoena?

Mr. MAGDOFF. I decline to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. I ask direction, Mr. Chairman.

The CHAIRMAN. You are requested to answer the question.

Mr. MAGDOFF. I decline on the grounds of pertinency, and on grounds of the privileges granted to me with special reference to the first and fifth amendments.

Mr. TAVENNER. With respect to the ground of pertinency which you mentioned, the chairman made a very full opening statement as to the subject of the hearing and the purpose of it. And of course, in order to inquire into the character of propaganda work which may be going on, on the part of this organization, it is necessary to have the papers and the records. That is the reason for asking for them.

Now, having explained the pertinency, I again ask you to answer the question.

Mr. MAGDOFF. I give the same answer, but I would like to state, as far as propaganda is concerned, the best evidence would be the products that are produced under grants given, whether it is propaganda or scholarship.

Mr. TAVENNER. All right. Do you have the work product that resulted from the granting of an award or the making of a grant to Dr. Aptheker?

Mr. MAGDOFF. I have no such product.

Mr. TAVENNER. Where is it?

Mr. MAGDOFF. I haven't the slightest idea.

Mr. TAVENNER. Have you ever seen it?

Mr. MAGDOFF. No, I don't even know whether it is completed. When we give grants, there isn't the requirement that the recipient must produce the product as of a certain date. Scholarship takes a lot of time, frequently, and the better work takes longer time.

The CHAIRMAN. Now, just a minute. When you say "When we give grants"——

Mr. MAGDOFF. ——When the Fund gives grants.

The CHAIRMAN. Well, by "we," whom did you mean?

Mr. MAGDOFF. I mean when The Fund for Social Analysis gives grants.

Mr. TAVENNER. Were you a member of the Awards Committee?

Mr. MAGDOFF. I decline to answer on the grounds of the first and fifth——

The CHAIRMAN. I direct you to answer the questions because you certainly opened the door for that. You said, "When we give grants." I direct you to answer that question.

Mr. MAGDOFF. I decline to answer on the grounds of pertinency and the rights and privileges granted under the Constitution.

Mr. TAVENNER. The records that were produced by the treasurer, Mr. Kaplan, show that the first payment of \$500 was made to Herbert Aptheker on February 4, 1959. Did you know that Mr. Aptheker was at that time a member of the National Committee of the Communist Party?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Were you at that time a member of the Communist Party?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. One of the members of the Awards Committee, as shown by a publication of The Fund for Social Analysis, was Frank Coe. Did you know Frank Coe to be a member of the Communist Party?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Do you know whether Frank Coe is now in China?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Do you know in what business he is engaged?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Was Russ Nixon a member of the Awards Committee?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Did you know whether or not he was a member of the Communist Party?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Who were instrumental in the forming of this organization?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Did you participate in its original foundation?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. There is noted on Rubinstein Exhibit No. 1 this certification by you:

I, President of The Fund for Social Analysis, do hereby certify that on the 14th day of November, 1958, Annette T. Rubinstein, who signed and attested the foregoing, was and now is the duly qualified and acting Secretary of said Association and that she was and is duly authorized by the by-laws to certify to the proceedings of the members of the Board of Directors of said Association, and to affix the seal of the said Association to such certificate. Harry Magdoff, President.

Did you make that certification?

Mr. REDLICH. I would like the record to indicate that my client has not admitted that he is president of The Fund for Social Analysis.

Mr. MAGDOFF. I decline to answer on the grounds stated before.

Mr. TAVENNER. How was Annette T. Rubinstein elected secretary?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Wasn't it by the Board of Directors?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Who compose the Board of Directors?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Why is it that you refuse to give any information regarding the organization and the activities of this group, if there is nothing wrong with it?

Mr. MAGDOFF. I decline to answer on the same grounds stated before.

Mr. TAVENNER. Is it because this organization is carrying out one of the functions of the Communist Party in this country? Is that the reason that you are refusing to answer?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. SCHERER. Isn't that the reason you people have so far hidden the contributors to this organization?

Mr. MAGDOFF. What reason?

Mr. SCHERER. The fact that it is a Communist operation, and you do not want to disclose to a congressional committee the source of your funds? Isn't that the reason?

Mr. MAGDOFF. Is that an inference from the use of constitutional rights?

Mr. SCHERER. No. I am asking you.

Mr. MAGDOFF. My understanding of the Constitution is that the rights of individuals are protected against inquisitions of this type, and it is for that reason that I am using my grounds, self-incrimination, first amendment, all the rights granted to individuals.

Mr. SCHERER. I ask that the chairman direct the witness to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. MAGDOFF. I decline to answer on the grounds of the fifth amendment.

Mr. TAVENNER. Was Stanley Moore also a member of the Awards Committee?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Did you know whether or not Stanley Moore was a member of the Communist Party?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. DOYLE. May I ask this question of the witness: Is it your position that Congress has no right under the Constitution to investigate subversive activities, too?

I am not referring now to——

Mr. MAGDOFF. My understanding of the Constitution is that Congress has a very broad right to investigate for purposes of providing a basis for legislation, for better understanding of legislative matters. From the history of this committee and the record of this committee, I certainly don't think that it has a right under the Constitution to carry on inquiries into matters of this sort, and especially into matters of scholarship.

Mr. DOYLE. You were present on the front row, there, with the doctor, the lady, who testified this morning. You were seated there all the time that Chairman Walter was reading his preliminary statement, were you not?

Mr. MAGDOFF. I was.

Mr. DOYLE. I am sure I saw you. You heard the whole thing, as to the scope of this investigation. You heard every word that was read. And you heard two items of legislation specifically referred to, that Congress was looking into in connection with it, to see whether or not some people in the Fund were active Communists. That goes to the pertinency of this question. We are interested in seeing the extent to which——

Counsel, will you let me ask the witness my question?

Is it your position that with two bills pending before the Congress on subversive activities, we do not have a right to question whether or not the Fund, of which we believe you were president, and are, as shown in that certificate, is in any manner subversive, under the control in part or whole of the Communist Party? Is that your position?

Mr. MAGDOFF. My position is not with respect to the rights of the committee, but with respect to the rights of the individual, not to be badgered by inquisitions.

Mr. DOYLE. Well, of course, we do not disagree with you on that. There is no disagreement between us and you on that point, sir.

But when you claim that we are badgering the witness, it is absolutely false. We are doing nothing of the kind, and you know it. That is just a prepared speech that you folks throw up for public propaganda.

Mr. REDLICH. My client has had no prepared speech.

Mr. MAGDOFF. I have nothing in front of me.

Mr. DOYLE. He does not need to have it written out. You know that.

Mr. MAGDOFF. Five to four decisions of the Supreme Court show there is plenty of room for difference of opinion as to the rights and limitations of congressional investigations.

Mr. DOYLE. I am glad you are familiar with them. So are we.

The CHAIRMAN. All right, Mr. Tavenner. Ask your next question.

Mr. TAVENNER. You stated you had no records of income tax returns. Did you file an income tax return for any year? And by "you," I am speaking of The Fund for Social Analysis, of which you are the president.

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. What was the source of the income which was used for the payment of grants and awards?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Tell us a little bit about the manner in which the business was carried on. When you received applications—and one of the documents presented here shows that you received quite a great number of applications for grants—how were those applications acted upon?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. How could you act on those applications if you did not keep records?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Actually, you appeared before a group, did you not, after being served with subpoena—it was the New York Council To Abolish The House Un-American Activities Committee—with regard to these matters, did you not?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. You had forestalled the seizure or the requirement of the production of documents by making certain there were none to produce, did you not?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. SCHIERER. Who did destroy the records of this organization which we have been trying to get?

Mr. MAGDOFF. I decline to answer that question on the same grounds.

Mr. SCHIERER. Were they in Mr. Needleman's office?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Oh, yes. I wanted to ask you about that.

The address of your organization seems to be that of the attorney, Mr. Needleman, who appeared as counsel for the two witnesses who

just preceded you. What was Mr. Needleman's connection with this outfit?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Why would this Fund maintain an office at the address of some person who was not connected with its organization?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Did you meet in his office as an officer of the Fund?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Certainly there must be some reason for a company or association engaged in what you term as a public enterprise having an office at the address of someone who was not connected with it. There must be some reason for that.

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Do you know how to account for the fact that there is no check among the records evidencing a payment to Dr. Baran of his grant?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Were there any other grants for which checks were not given in the usual way?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Were grants made to any persons other than those whose names appeared in your published statement?

Mr. REDLICH. Would you repeat the question?

Mr. TAVENNER. Were any grants made to persons other than those whose names appear in the document referred to as Rubinstein Exhibit No. 7?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Did Dr. Aptheker have any business or association with The Fund for Social Analysis other than the receiving of a grant?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. Did he aid in any manner in the formation of this organization?

Mr. MAGDOFF. I decline to answer on the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHIERER. What is your occupation, Mr. Magdoff?

Mr. MAGDOFF. I am a financial consultant, for myself.

Mr. SCHIERER. Where is your business or office?

Mr. MAGDOFF. I would be glad to give it to you. It is my business, and my income depends upon it. If you want it, I will be glad to give it to you.

Mr. SCHIERER. Is it in New York?

Mr. MAGDOFF. In New York City.

Mr. SCHIERER. What is your residence address?

Mr. MAGDOFF. 20 West 84th Street.

Mr. SCHIERER. How long have you known Mr. Needleman?

Mr. MAGDOFF. I decline to answer on the same grounds as I have stated before.

Mr. SCHIERER. It is a fact, is it not, that he is associated with this Fund, and that the records are in his office?

Mr. MAGDOFF. I decline to answer.

Mr. SCHIERER. Or under his control?

Mr. MAGDOFF. I decline to answer on the same grounds.

The CHAIRMAN. Is that all?

The witness is excused.

(At this point the witness was excused.)

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Mr. Stanley Moore, will you come forward, please?

The CHAIRMAN. Will you raise your right hand?

Do you swear that the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOORE. I do.

**TESTIMONY OF STANLEY WILLIAMS MOORE, ACCOMPANIED BY
COUNSEL, LEONARD B. BOUDIN**

Mr. TAVENNER. You are Mr. Stanley Moore?

Mr. MOORE. I am.

Mr. TAVENNER. Where do you reside?

Mr. MOORE. New York City.

Mr. TAVENNER. What is your occupation?

Mr. MOORE. Teacher.

Mr. TAVENNER. Where?

Mr. MOORE. Barnard College.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. BOUDIN. Surely. Leonard B. Boudin, 25 Broad Street, New York City.

Mr. TAVENNER. I have before me a thermofax copy of a Statement of Awards Committee, The Fund for Social Analysis. I hand it to you and ask you if you can identify it as a publication of that organization.

Mr. MOORE. I decline to answer that question on two grounds, first that it invades my rights of free speech and free association under the first amendment; and second, that under the fifth amendment I may not be compelled to be a witness against myself.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Moore Exhibit No. 1."

The CHAIRMAN. Make it a part of the record.

(Document marked "Moore Exhibit No. 1," follows:)

MOORE EXHIBIT No. 1

THE FUND FOR SOCIAL ANALYSIS

STATEMENT OF AWARDS COMMITTEE

In 1958 the Fund for Social Analysis is offering a number of grants-in-aid for studies of problems posed by Marxist theory and its application. Projects for books and essays in all fields of social science, including social philosophy and the sociology of science, will be welcomed. Studies of current relevance will be given preference over those of purely historical interest. Studies related to the United States will be given preference over those concerned mainly with other countries. Studies already under way will be given preference over projects merely in outline.

Grants will ordinarily range from \$500.00 to \$3,000.00, but applications for larger or smaller amounts will be considered. Grants may be requested for an entire project, or for any part, or for assistance in research, editing or publication.

The Fund for Social Analysis is an informal organization of individuals interested in aiding Marxist research. It operates without paid personnel or other overhead costs. All money raised by the sponsors will be distributed in grants.

The grants will be awarded by a committee elected by the members of the Fund. The current members of the Awards Committee are: Frank Coe, Stanley Moore, Irving Kaplan, Russ Nixon, J. Raymond Walsh, Harry Magdoff, Annette Rubinstein.

In making its awards, the committee will be guided solely by its evaluation of the scientific importance of projects and its estimate of the qualifications of applicants to carry out the proposed studies. The committee will obtain the advice and opinions of qualified experts in various fields of inquiry in which applications may be received. The Committee of Awards, however, has sole responsibility for making grants and its decisions are not subject to review.

Applications should include the following information:

1. Name and address of applicant.
2. Outline of project.
3. Such parts of project as may have been drafted.
4. Plans for publication.
5. Amount of money requested and proposed use.
6. Previous publications, if any.
7. Relevant biographical data.
8. Such references (names and addresses of persons familiar with the applicant's work and intellectual qualifications) as applicant may wish to submit.

Extra copies will be appreciated.

Letters of application, including the requested information, should be addressed to:

The Corresponding Secretary
The Fund for Social Analysis
Room 2800
165 Broadway
New York, N.Y.

Mr. TAVENNER. Mr. Moore, the document includes this language:

The grants will be awarded by a committee elected by the members of the Fund. The current members of the Awards Committee are:

The first named is Frank Coe, and the second is Stanley Moore.

Were you a member of the Awards Committee of The Fund for Social Analysis?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. Among the other persons mentioned are Irving Kaplan, Russ Nixon, Harry Magdoff, Annette Rubinstein, and also Frank Coe. Were you acquainted with them personally?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying on the first and fifth amendments.

Mr. TAVENNER. Will you tell the committee, please, what your educational training and background has been?

Mr. MOORE. I graduated from the University of California at Berkeley in about 1935. I then took graduate work at Harvard University, and at the University of California, taking my Ph. D. degree at the University of California at Berkeley in 1940, to the best of my recollection.

As far as postdoctoral education is concerned, I have studied at Cambridge University, England, and at Columbia University in New York; also at the new School for Social Research in New York City. That constitutes my educational record.

Mr. TAVENNER. Have you engaged in teaching at any place that you have not mentioned?

Mr. MOORE. Oh, yes. You didn't ask me my teaching record.

Mr. TAVENNER. Suppose you give us your record of employment.

Mr. MOORE. I have taught at the University of California as a teaching assistant during my graduate years and later as a lecturer in philosophy at the end of the Second World War. I have also taught at Reed College in Portland, Oreg.

Mr. TAVENNER. The dates, please.

Mr. MOORE. From 1948 until 1954.

I have also taught at Harvard University; the dates there, from 1940 to 1942. And I have taught at Barnard College during the last year.

Mr. TAVENNER. Will you tell the committee, please, how you were selected to participate in the work of granting awards or making grants, if you did?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. Did you have any connection with the original formation of The Fund for Social Analysis?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. Did you know that Dr. Aptheker, at the time he received an award, was a member of the National Committee of the Communist Party of the United States?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. What was your participation, if any, in the granting of that award?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. You were a witness before this committee on June 2, 1954, I believe.

Mr. MOORE. To my recollection, it was June 1954. I couldn't check on the date.

Mr. TAVENNER. Yes. At that time you refused to answer questions relating to your own Communist Party affiliations on the ground of the fifth amendment. That is correct, is it not?

Mr. MOORE. To the best of my recollection.

Mr. TAVENNER. Yes. Now, since that time, there have been several witnesses before this committee who have testified, and in their testimony they have referred to you. So I think I should ask you questions relating to their testimony. I am not going to repeat anything that occurred at your former appearance before the committee.

Are you acquainted with a person by the name of Marjorie Owen?

Mr. MOORE. I will decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. Marjorie Jean Owen testified that as a member of the Financial Commission of the Communist Party she was instructed to raise money from the membership of the Professional Club, located in Portland. She met with that group, according to her testimony, as a member of the group, Stanley Moore. Were you a member of the Professional Club in Portland at the time she was endeavoring to raise money from that group?

Mr. MOORE. The question does not specify the date, but I would decline to answer it on the grounds previously stated, relying upon the first and fifth amendments.

You didn't say anything about this testimony as to Miss Owen or Mrs. Owen as to the date.

Mr. TAVENNER. No; I do not have the exact date. But on that point, when did you state you were in Portland?

Mr. MOORE. I was employed at Reed College and lived in Portland from the years 1948 until 1953. I was on leave from Reed College, still on the faculty, in the academic year 1953-54; so that I lived in Portland from the fall of 1948 until the spring of 1953.

Mr. TAVENNER. Mrs. Owen was asked this question:

Can you fix an approximate date, at the time you became a member of the Financial Commission of the Communist Party in Portland?

And that was the occasion at which she was attempting to raise this money. Her answer was:

Somewhere in 1949 or 1950.

Now, with that explanation, do you state that she was in error or that she was correct in identifying you as a member of the Professional group of the Communist Party in Portland?

Mr. MOORE. I refuse to answer that question on the ground previously stated, relying upon the first and fifth amendments.

My statement about the date was parenthetical. I was refusing to answer the question, but pointed out it wasn't a very good question.

Mr. TAVENNER. It was parenthetical, but I do not want to leave any parenthetical questions unanswered.

On June 19, 1954, the committee received testimony from Robert Wishart Canon, a resident of Portland, Oreg. Were you acquainted with Mr. Canon while you lived in Portland?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying on the first and fifth amendments.

Mr. TAVENNER. In the course of his testimony, Mr. Canon stated that Dr. Stanley Moore joined the Professional Club of the Communist Party in August or September 1948.

Was that statement true, or was it false?

Mr. MOORE. I decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. Have you been a member of the Communist Party since you were before this committee on June 2, 1954?

Mr. MOORE. I am not now a member of the Communist Party.

Mr. TAVENNER. All right, sir. Now, will you answer my question, please?

Mr. MOORE. And I have not been since appearing before the committee in June 1954.

Furthermore, I was not when I appeared before the committee in June 1954.

Mr. TAVENNER. Were you prior to that time a member of the Communist Party?

Let us put it this way: Didn't you join the Communist Party in August or September 1948—the Professional Club of the Communist Party?

Mr. MOORE. I will decline to answer that question upon the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. Were you a member of the Communist Party while you were teaching at Reed College?

Mr. MOORE. I will decline to answer that question on the grounds previously stated, relying upon the first and fifth amendments.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. I think I have one.

Doctor, some of the rest of us wish we had the magnificent formal education that you have had the benefit of. I noticed your more or less voluntary statement a minute ago that you are not now a member of the Communist Party, and were not in June 1954, when you appeared before this committee previously. Without drawing any inferences on my part deliberately to try to hurt you or embarrass you, I wonder if you could help us in our study of the Communist Party as a subversive group, we believe very definitely. The indelible evidence shows that, in our judgment. Could you give us the benefit of any reason why, if you ever were a member of the Communist Party, you discontinued the membership?

In other words, a man with your education must have had some motive that caused you to desist from that association. I am not asking for your political beliefs of any sort. I am asking you, as a man educated partly in California, where I was born, being very familiar with the University of California in Berkeley: Have you any information to give us, as the committee, in our effort to understand the Communist Party as a subversive agency in connection with our legislative duties?

I am not asking you to embarrass yourself at all, but is there any help you can give us, any contribution you can make? It may be that some people will smile at that, but maybe it is not a silly question to ask on my part, from an educated man like you.

Mr. MOORE. Under other circumstances I would be interested in talking about political questions and the issues that confront the world at this time. Certainly I believe a question that asks for a discussion in the spirit in which the Congressman's question was phrased ordinarily requires an answer. Under the present circumstances, under oath before a committee of this kind, I shall respectfully decline to answer the question upon the grounds previously stated.

Mr. DOYLE. Well, thank you for giving your attention to it.

The CHAIRMAN. If there are no other questions, the witness is discharged.

(At this point the witness was excused.)

The CHAIRMAN. Call the next witness.

Mr. TAVENNER. Mr. Russell Nixon.

The CHAIRMAN. Will you raise your right hand?

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NIXON. I do.

TESTIMONY OF RUSSELL ARTHUR NIXON

Mr. TAVENNER. You are Mr. Russell Nixon?

Mr. NIXON. That's right.

Mr. TAVENNER. Where do you reside?

Mr. NIXON. Brooklyn, New York.

Mr. TAVENNER. What is your present occupation?

Mr. NIXON. It is a matter of public record that I am the Washington representative of the United Electrical, Radio and Machine Workers, UE, and have been for the last 20 years.

Mr. TAVENNER. Yes. You were when you previously appeared before this committee.

Mr. NIXON. Every time, yes, sir.

Mr. TAVENNER. I hand you "Moore Exhibit No. 1," which lists the names of persons who are members of the Awards Committee of The Fund for Social Analysis. Please examine it and see whether or not your name is listed as one of the members. (See pp. 61, 62.)

Mr. NIXON. I am not going to discuss The Fund for Social Analysis in any way, shape, or form, with you, Mr. Tavenner.

Mr. TAVENNER. Please answer the question.

Mr. NIXON. Was that not clear?

Mr. TAVENNER. No.

Mr. NIXON. I am not going to discuss or answer any question with regard to The Fund for Social Analysis, in any way, shape, or form.

Mr. TAVENNER. Not even if it relates to your membership in some of the functions of that organization; is that what you mean?

Mr. NIXON. I tried to make my statement as categorical as I could. I meant it that way.

Mr. SCHIERER. Mr. Chairman, I ask that you direct the witness to answer the question.

The CHAIRMAN. Repeat the question, Mr. Tavenner.

Mr. TAVENNER. The question is whether or not his name appears on this statement as a member of the Awards Committee of The Fund for Social Analysis.

The CHAIRMAN. You are directed to answer that question, Mr. Nixon.

Mr. NIXON. Mr. Walter, before this committee, I am not going to answer any question regarding the subject of this inquiry, The Fund for Social Analysis, nor will I answer any questions that I consider to deal with my political views, political activities or political associations.

And I take that position for several reasons, of which I would like to tell you briefly:

In the first place, I would refuse to cooperate with this committee, because with a growing number of American people, I believe that it weakens the national security and the welfare of my country, because it creates an atmosphere of conformity and fear. It destroys free debate. It is hostile to the concepts of a democratic, open society, which is our best national safeguard in the face of all the problems that we confront. That is my first reason.

There are a great number of people who feel the same way I do. If you permit me, I would like to put in the record a few evidences of the broad opinion that supports this view on my part.

The CHAIRMAN. I think the record in the Congress speaks for itself; so go ahead.

Mr. NIXON. You don't have the statement of the National Committee of the Young Democratic Clubs of America last year. I would like to put that in the record.

The CHAIRMAN. I know all about that, too.

Ask your question, Mr. Tavenner.

Mr. NIXON. Well, wait a minute. I am not completed, at all. I gave the first reason why I was refusing to answer, but I thought perhaps you would let me put some of this corroborative material in the record, since it is not in the record of this committee or any congressional record that I know of. But I gather you are not going to permit me to do that.

The CHAIRMAN. It is not relevant at all to the issues.

Mr. NIXON. All right. The second reason that I decline to answer the questions as I have described them is that this particular hearing is especially outrageous, because it is directed at a small group that has no government connection whatsoever. It is engaged in private research relationships. And what you are doing here is a clear attack on the academic and scholarly freedom and freedom of inquiry in our country.

There is no tax issue involved here, since there has never been any question of application for tax exemption. There is no payroll. There is no income in the tax sense, as I understand it. And I think that this is a baseless and outrageous hearing, this one in particular.

Third, I think that there is no legitimate legislative purpose in this hearing. I am not sure that you have jurisdiction over taxes. I don't know whether the Ways and Means Committee has given that up. I doubt it. And that is a third reason.

And in the fourth place, I would refuse to respond to the type of questions I have described, because I think such questions and such an inquiry violates the first amendment, the protections of freedom that that involves, and I feel, as the four minority members of the United States Supreme Court, including the Republican Chief Justice and the other three members do, that inquiries of this sort are subversive of American democracy. And for that reason I certainly decline to answer.

Now, I decline to answer, also, finally, because of the protection that is afforded me by the fifth amendment, in the Bill of Rights, which extends to all citizens the privilege not to be a witness against himself.

I assert this privilege in view of the jeopardy which I believe confronts me and every other unfriendly witness before this committee when confronted by such questions.

I assert this privilege, because I fear for myself as well as others the invasion of my liberty, threatened by the combination of the repressive thought control legislation now in effect and the allegations of perjurious witnesses.

And I utilize this valued and I believe very necessary constitutional protection, emphasizing that it was written into our Bill of Rights to protect persons, and that its invocation is not evidence of guilt or crime or wrongdoing.

For all of these reasons, I decline to answer the question you have just asked me.

And I will for the same reason refuse to answer other questions that I deem to be of the same character.

I should like to say in conclusion that when and if you ask further questions of this nature, and I say I decline for the reasons already stated, I have reference to all of the reasons that I have just described to you.

Mr. SCHERER. Now, Witness, are you still a member of the Communist Party?

Mr. NIXON. Did you hear my statement just now, Mr. Scherer?

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question—whether he is still a member of the party.

The CHAIRMAN. Answer the question.

Mr. NIXON. Well, the reason I ask whether you heard my statement is because it is a categorical refusal to answer all such questions, and there should be no question in your mind that I am going to answer that question, and I refuse to answer it for all the reasons that I have just described.

Mr. TAVENNER. Were you a member of the Communist Party in 1958, the year of the publication of the Statement of the Awards Committee?

Mr. NIXON. You are wasting your time. I am not going to answer your question.

Mr. TAVENNER. Do you refuse to answer for the reasons that you have assigned?

Mr. NIXON. Every time I say I refuse to answer, it is for all of the reasons that I just described.

Mr. TAVENNER. It is noted that the address given of the office for The Fund for Social Analysis is Room 2800, 165 Broadway. Have you met with the officers of this association at that address?

Mr. NIXON. Don't you understand my——

Mr. TAVENNER. Don't you understand the question?

The CHAIRMAN. Answer the question, Mr. Nixon.

Mr. NIXON. As I said before, I am not going to answer any questions regarding the Fund.

Mr. TAVENNER. Then you refuse to answer. And I am going to continue to ask the questions that you ought to be asked.

Mr. NIXON. Go right ahead.

Mr. TAVENNER. And it is up to you to——

Mr. NIXON. You understand what I said?

Mr. TAVENNER. I understand what you said, but I always live in hopes that a person may change his mind, even you, Mr. Nixon.

Mr. NIXON. Same to you, Mr. Tavenner.

Mr. TAVENNER. Did you play any part in this organization, The Fund for Social Analysis?

Mr. NIXON. No answer.

Mr. SCHERER. I ask that you direct the witness to answer.

The CHAIRMAN. You mean you refuse to answer for the reasons stated?

Mr. NIXON. Yes, sir. If I am directed, that is what I would say.

Mr. TAVENNER. Did you knowingly participate in the making of a grant to a member of the National Committee of the Communist Party of the United States?

Mr. NIXON. No answer, Mr. Tavenner.

The CHAIRMAN. You are directed to answer.

Mr. NIXON. I decline to answer for the reasons that I described a short time ago.

Mr. TAVENNER. Do you know the source of the funds under which this organization has operated?

Mr. NIXON. No answer.

Mr. TAVENNER. You made a statement a little while ago that there was no application for tax exemption made by The Fund for Social Analysis. Have they filed a tax return?

Mr. NIXON. No answer.

The CHAIRMAN. You are directed to answer that question.

Mr. NIXON. I decline to answer.

Mr. TAVENNER. I think you opened the door, there, for yourself, Mr. Nixon.

Mr. NIXON. I discussed that only at the outset when I was telling you of my reason for not answering the question, and I am declining to answer the question on the grounds already stated.

Mr. TAVENNER. How do you know the association has not made any application for tax exemption?

Mr. NIXON. No answer, Mr. Tavenner.

The CHAIRMAN. You are directed to answer.

Mr. NIXON. I decline to answer on the grounds I have already stated; all of them.

Mr. TAVENNER. You spoke of the activities of certain youth organizations. Were you referring to the New York Council To Abolish The House Un-American Activities Committee in making that reference?

Mr. NIXON. No answer to your question.

Mr. TAVENNER. What youth organization were you referring to?

Mr. NIXON. No answer to your question.

Mr. TAVENNER. I ask for a direction, Mr. Chairman. He has opened the door for that.

The CHAIRMAN. You are directed to answer that question.

Mr. NIXON. I decline to answer for all the reasons I have stated.

Mr. TAVENNER. Did Mr. Magdoff, the president of The Fund for Social Analysis, and yourself, appear before the New York Council To Abolish The House Un-American Activities Committee and set up a form of attack against this committee because of its making this investigation?

Mr. NIXON. No answer to you, Mr. Tavenner.

The CHAIRMAN. Mr. Tavenner, in view of the fact that there was a large advertisement in one of the local newspapers this morning, I suggest that you send a copy of this record to everybody, except the known Communists, who signed that ad. I think they would be very much interested in seeing who their associates are.

Mr. TAVENNER. Yes, sir.

The CHAIRMAN. Proceed.

Mr. TAVENNER. Have you received a United States passport recently?

Mr. NIXON. Yes, I have a passport. That is a matter of public record.

Mr. TAVENNER. Yes. And when did you receive it?

Mr. NIXON. I don't have the date. You probably have it.

Mr. TAVENNER. Was the application made in 1959?

Mr. NIXON. Is that what you read there?

Mr. TAVENNER. December 14, 1959.

Mr. NIXON. I don't recall. You have the documents in front of you.

Mr. TAVENNER. I think I gave you the correct date of it. Have you traveled under that passport?

Mr. NIXON. No.

Mr. TAVENNER. Was the passport granted you?

Mr. NIXON. That question is redundant, but it is obvious that it was. You have the record right there in front of you.

Mr. TAVENNER. I have your passport application. I do see that it is stamped, that it was granted, yes.

I have referred to the appearance of President Magdoff and yourself before the New York Council To Abolish The House Un-American Activities Committee. I would like to ask you now whether or not you circularized a statement opposing this committee among the membership of the United Electrical, Radio and Machine Workers of America. In fact, did you not send them the same statement that was introduced as Rubinstein Exhibit No. 7, which is a document that I will show to you? (See pp. 26-29.)

Mr. NIXON. I am not going to respond to that.

Mr. TAVENNER. For the same reason?

Mr. NIXON. For the same reason.

Mr. TAVENNER. You had a considerable ax to grind, did you not, because of your association with the organization that was under investigation, when you urged the New York Council to oppose this committee and this investigation?

Mr. NIXON. Well, I guess I won't respond to that, either.

This "ax to grind" business—I don't know what that means.

Mr. TAVENNER. Oh, yes, you do.

Mr. NIXON. I don't know what you mean by it.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. I have one.

I am not going to ask you anything in connection with the Fund. Therefore I assume that you, as a national representative of many thousands of American workingmen, to my knowledge, are naturally desirous of helping your own Congress in its study of subversive activities wherever they occur.

For the purpose of this question, I am eliminating the Fund. So you won't have that objection already in your mouth to give to the question.

As the leader of many thousands of electrical workmen in my country and your country, have you ever had the experience of persons known to you to be Communist members trying to infiltrate your own labor union and take control of it?

Mr. NIXON. Well, I am not going to discuss that with you, Mr. Doyle. I am here under subpena. I think there is room for discussion of this question. I have long wanted to have a public hearing on this Un-American Activities Committee, and have urged it. I have never been able to get one.

Maybe if that were to happen, some of these matters could be discussed as a legislative matter. But I am not going to talk that over with you here under subpena.

Mr. DOYLE. You are a leader of thousands of American workers.

Mr. NIXON. I hope it is a frank answer. I am not going to discuss it here with you under subpena.

Mr. DOYLE. I am giving you the chance to discuss it here with us, for the benefit of your country, whether you have had that experience. My impression is that you have. And I am surprised you do not take the opportunity to tell the American public that you are opposed to the Communist Party in labor unions. That surprises me.

The CHAIRMAN. The committee will recess for 5 minutes.

(At this point a short recess was taken.)

The CHAIRMAN. The committee will be in order.

Mr. TAVENNER. Dr. Herbert Aptheker, will you come forward, please?

The CHAIRMAN. Will you raise your right hand?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. APTHEKER. I do.

TESTIMONY OF HERBERT APTHEKER, ACCOMPANIED BY COUNSEL, STANLEY FAULKNER

Mr. TAVENNER. Will you state your name, please?

Mr. APTHEKER. Herbert Aptheker.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself?

Mr. FAULKNER. Stanley Faulkner, 9 East 40th, New York 16, New York.

Mr. TAVENNER. When and where were you born, Mr. Aptheker?

Mr. APTHEKER. I was born in 1915 in the city of Brooklyn, New York.

Mr. TAVENNER. The financial records of The Fund for Social Analysis indicate the payment of a thousand dollars to you as a grant by that Fund. The committee has caused you to be served with a subpoena duces tecum to produce all the correspondence between yourself and the Fund, including a copy of all the work products resulting from the grants or awards made to you by The Fund for Social Analysis. I would like to call for the production of those documents now.

Mr. APTHEKER. There is no correspondence in my own possession, since I keep no copies of the letters that I write. I do have two items which are the beginnings of printed results of the research that I have done in this field, which I have brought.

Mr. TAVENNER. May we see the dates, please?

Mr. APTHEKER. This is June 1960. This is February 1961. Other things will be forthcoming very soon.

Mr. TAVENNER. Your work has not been completed for which you were given the grants. Is that it?

Mr. APTHEKER. That is correct.

Mr. TAVENNER. What was the nature of your correspondence with the Fund, which led to the making of the grant?

Mr. APTHEKER. I simply, having learned about the Fund through newspapers or some other public announcement, applied for a grant, as I have applied in other cases, for example with the Guggenheim Foundation. I was engaged in a history of the American people, which I project in 12 volumes. At the time I wrote, volume 1 had appeared. Volume 2 was in process, and has since appeared. And I wrote and requested some financial assistance to help me complete the

production of this study, particularly the volume which will deal with the Civil War in the United States. That is the nature of my correspondence.

Mr. TAVENNER. To whom did you address your letter?

Mr. APTHEKER. I don't think that I addressed it to any person. I addressed it to the Fund, to the best of my recollection.

Mr. TAVENNER. Do you recall the address?

Mr. APTHEKER. No, sir; I do not.

Mr. TAVENNER. Were you personally acquainted with members of the Awards Committee?

Mr. APTHEKER. I would respectfully decline to answer that. Since it involves freedom of association and speech in terms of the first amendment and the fifth amendment, I think it best that I not answer that. I do not wish to reply in terms of my association with other people.

Mr. TAVENNER. Were you a member of the National Committee of the Communist Party of the United States at the time you made your application for the grant?

Mr. APTHEKER. On proper occasions I discuss my political ideas. I do so proudly and at every opportunity.

Mr. TAVENNER. I did not ask for political ideas. I asked for party membership.

Mr. APTHEKER. I don't see the distinction that you do; and I am not through with the answer to your question.

Mr. TAVENNER. I beg your pardon.

Mr. APTHEKER. I see no propriety or right in examining my politics or my religion or my private opinions. If it were not this kind of a hearing, and somebody wanted to know what I think or what I believe, I am more than anxious to oblige, and have taken every opportunity I could to do so.

Mr. TAVENNER. I think I should ask for a direction.

The CHAIRMAN. Yes. You are directed to answer the question.

Mr. APTHEKER. On the basis of the first and the fifth amendments, the Bill of Rights, I most certainly refuse to answer questions before this body about my political affiliations, associations, or opinions.

Mr. TAVENNER. Dr. Aptheker, were you interested in any active way in the formation of The Fund for Social Analysis?

Mr. APTHEKER. I was in no way interested in this, in no way involved in it. No.

Mr. TAVENNER. Will you tell us, please, what your educational background has been?

Mr. APTHEKER. I graduated from public school and high school in my city. I received a Bachelor of Science degree in Columbia University, a Master of Arts degree in Columbia University, a Doctor of Philosophy degree in Columbia University, and have intensively pursued studies in history, science, and anthropology, up to the present moment.

Mr. TAVENNER. What has been your employment, say, for the past 10 years?

Mr. APTHEKER. Ten years—1951?

Mr. TAVENNER. Say, beginning in 1950.

Mr. APTHEKER. I have been a historian, a writer of books and other material. I have been a lecturer. I have been an editor. I suppose that might be called my employment.

Mr. TAVENNER. What employment did you have during that period? I mean, by whom? Were you a lecturer at a school?

Mr. APTHEKER. I frequently lectured at schools, yes. I was employed by New Century Publishers. That is the employer, in my work as an editor.

Mr. TAVENNER. Will you tell us a little more about the New Century Publishers? What type of an organization is it?

Mr. APTHEKER. I don't know what you mean by "What type of an organization is it."

Mr. TAVENNER. Well, what is it engaged in publishing?

Mr. APTHEKER. Books, magazines. It is a publishing house.

Mr. TAVENNER. Well, will you name the publications which it is engaged in publishing?

Mr. APTHEKER. Mainstream and Political Affairs.

Mr. TAVENNER. What is your association with Political Affairs? Are you its editor?

Mr. APTHEKER. I am.

Mr. TAVENNER. How long have you been its editor?

Mr. APTHEKER. Oh, about 4 or 5 years. I am not able to be more precise.

Mr. TAVENNER. Will you tell the committee, please, how you obtained or how you were appointed to the position of editor?

Mr. APTHEKER. No, I will not tell the committee how I was appointed.

Mr. TAVENNER. Was it because of the interest of the Communist Party in your having that position?

Mr. APTHEKER. I will answer no questions about my political affiliations or beliefs. You have in my opinion no right to ask me such a question. I find it an indecent question.

Mr. TAVENNER. I asked you whether or not you were employed at the instance of the Communist Party of the United States. That was my question. I did not ask you anything about your beliefs.

Mr. APTHEKER. I cannot disassociate one from the other. You are talking about a political party. That involves my beliefs.

Mr. TAVENNER. I am not talking about a political party.

Mr. APTHEKER. I think you are talking about a political party.

Mr. TAVENNER. I am talking about the Communist Party of the United States, which is not a political party.

Mr. APTHEKER. Our opinions differ strenuously.

Mr. TAVENNER. Well, were you employed by the Communist Party of the United States?

Mr. APTHEKER. I will answer no questions about political affiliation or association whatsoever. I have already told you how I was employed and who employed me.

Mr. TAVENNER. Were you employed at the instance of the Communist Party of the United States as editor of Political Affairs?

Mr. APTHEKER. The question has been asked once and answered once. I don't see why we should do it twice.

Mr. TAVENNER. May I have a direction that he answer the question?

The CHAIRMAN. You are directed to answer the question.

Mr. APTHEKER. On the basis of the first and fifth amendments, I will not answer that question.

Mr. TAVENNER. I have before me what appears to be a copy of the resolution adopted by the National Committee of the Communist

Party, which indicates that it approved appointments of Herbert Aptheker as editor of Political Affairs and Dr. Albert Blumberg as legislative director.

I ask you to look at it and state whether or not that is correct.

Mr. APTHEKER. What is this piece of paper?

Mr. TAVENNER. It is taken from the Daily Worker, which is published by your employer.

Mr. APTHEKER. Your information about me is extraordinary. I have already told you who my employer was, and you keep saying I have another employer. I assure you that I testified under oath who my employer was. Do not, therefore, put words in my mouth, please.

Now, I have read this statement, and this statement says what you say it says.

Mr. TAVENNER. Well, is it true?

Mr. APTHEKER. I refuse to answer that question on the grounds of the first and fifth amendments to the Constitution.

(Document marked "Aptheker Exhibit No. 1" follows:)

APTHEKER EXHIBIT No. 1

[Daily Worker, New York, Aug. 2, 1957, p. 3]

CP BACKS CAMPAIGN TO END A-BOMB TESTS

Support of efforts to end A-bomb tests and atomic warfare and a concerted effort to re-build the Communist Party at all levels were the chief features of a two-day quarterly meeting of the Communist Party's national committee, it was announced yesterday at the organizations headquarters.

The meeting, held here July 27, 28, brought together 49 of the 64-member committee and twenty visitors.

A report by Eugene Dennis, party national affairs secretary, on the world-wide movement to ban the A-bomb tests was adopted unanimously. The report and discussion indicated that wide nonpartisan activity against the tests, reflecting popular fear of radioactive fallout, was under way in a number of areas.

Sid Stein, secretary of organization, outlined a program aimed at "reconstructing the very foundations of our movement." The report developed ideas on reestablishing party organizations and re-winning to party ranks those who left or became passive in the recent past.

"Reconstruction is urgent," Stein said, "so that the party can make its maximum contribution to the fight for peace, full equality for the Negro people, civil liberties and the many-sided struggles of the labor movement."

The discussion, ranging over many aspects of party policy, indicated support of the report and the basic decisions of the 16th national convention of the party. The report was adopted and will be published.

The national committee greeted the release from Smith Act sentences of Elizabeth Gurley Flynn, Robert Thompson, Pettis Perry, Alexander Bittleman and Louis Weinstock, who were present, as well as V. J. Jerome and Arnold Johnson, who were on vacation. Speakers urged intensified efforts to win amnesty for Henry Winston, Gil Green and Irving Potash, national party leaders still imprisoned.

In other actions, the meeting voted to:

Submit to the membership a four-month plan of work based on the organizational report.

Approve a report of its committee on publications dealing with recommendations to improve the content of publications towards furthering the reflection of policies adopted by the 16th national convention.

Approve a report of its appeals committee.

Approve the action of the National Executive Committee in not electing general officers and in naming a collective leadership of nine secretaries, seven of whom comprise the party's Administrative Committee. These are: Eugene Dennis, national affairs; Sid Stein, organization; Benjamin J. Davis, Negro affairs; James Jackson, Southern affairs; Hy Lumer, education and publications; Fred

M. Fine, labor affairs; John Gates, public affairs; Earl Durham, youth work, and Carl Ross, farm work. The latter two are not included in the Administrative Committee because of geographical consideration.

Approve appointments by the National Education Committee of Herbert Aptheker as editor of Political Affairs, and Dr. Albert Blumberg as legislative director.

Mr. TAVENNER. According to the investigation made by the staff, The Fund for Social Analysis was established somewhere around January 1958. Prior to that time, did you discuss its creation with any of the individuals who became its officers?

Mr. APTHEKER. I did not.

Mr. TAVENNER. In the September 1958 issue of Political Affairs, there appears a discussion under the title, "Opening of the Discussion in Preparation of a Basic Program: The American Road to Socialism." This article emphasized the need for the creation of Marxist writings and Marxist discussion groups throughout the United States. You are familiar with that article, are you not? That was in 1958.

Mr. APTHEKER. I see nothing in this remotely close to what you stated was in it.

Mr. TAVENNER. I read to you the title of the document.

Mr. APTHEKER. You did more than that, sir.

Mr. TAVENNER. And I said that it emphasized the need for the creation of Marxist writings.

Mr. APTHEKER. And study groups.

Mr. TAVENNER. And study groups.

Doesn't it assert the need for Marxist writings?

Mr. APTHEKER. Let me have it again. I couldn't find it. Do you want to mark it, so that I will find it quickly?

Mr. TAVENNER. I will have to get the second page of it. Well, during this period or, rather, following this period, you were director of what is known as The New York School for Marxist Studies?

(The witness conferred with his counsel.)

Mr. APTHEKER. On the basis of the first and fifth amendments I decline to reply to that question.

Mr. TAVENNER. Was there a relationship between The New York School for Marxist Studies and The Fund for Social Analysis?

Mr. APTHEKER. I have already testified that I had no part in the establishment of the Fund. Further than that, when you inquire with the school, I have already on the basis of the first and fifth amendments declined to reply.

Mr. TAVENNER. You declined to answer whether or not you were director of The New York School for Marxist Studies.

I desire to offer in evidence a leaflet entitled "The New York School for Marxist Studies, Dr. Herbert Aptheker, Director, Fall Term Oct.-Nov. 1960," and ask that it be marked "Aptheker Exhibit No. 2."

I hand it to the witness and ask him if he still refuses to answer the question as to whether he was director.

Mr. APTHEKER. I have refused to answer the question under the basis of the first and the fifth amendments, and because of the notoriety of this committee, which has led even the New York Times to urge its abolition. I will be no party to its witch-hunting processes.

Mr. TAVENNER. May the document be received in evidence?

The CHAIRMAN. Make it a part of the record.

(Document marked "Aptheker Exhibit No. 2" follows:)

APTHEKER EXHIBIT No. 2

Dr. Herbert Aptheker, Director

**The New York School
for
MARXIST STUDIES**

853 BROADWAY, N. Y. 3 • ROOM 1922
(At 14th St.) (GR 3-1580)

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REGISTRATION BEGINS FRIDAY
OCTOBER 7th 4 TO 8:30 P. M.

FALL TERM OCT.-NOV., 1960

REGISTRATION OCT. 14 *through* OCT. 21

GENERAL INFORMATION

The SCHOOL is located at Academy Hall, 853 Broadway, near 14th Street. Its offices are in Room 1922-23; and its classes are taught in various rooms in this building. The Fall Term, 1960, starts Monday, October 17, and continues for six sessions through November 21. SCOPE classes start Friday, October 14 and continue on for six sessions until November 25.

REGISTRATION starts Friday, October 7 and continues through Monday, October 17, on week-days, from 4 to 8:30 p.m.

FEEs are \$5 for regular courses (1½ hrs per session) and \$6 for seminars (2 hours per session). Scope classes on Fridays \$4. Fees are payable in full at registration; where this entails hardship, half payment will be accepted at registration with full payment to be completed not later than the third session of the class.

SCHOLARSHIPS are offered, both partial and complete. Inquire at the office about this.

BOOKS for all classes will be on sale at the SCHOOL OFFICE (Room 1922).

EXTENSION CLASSES: Where 8 people or more wish to attend a class but have difficulty in coming to the central school, extension classes, taught by members of the SCHOOL faculty will be organized. The fees for such classes will be the same as at the SCHOOL itself, plus the instructor's fare. Arrangements for such classes may be made at the OFFICE.

Special LECTURES, FORUMS, and CONFERENCES will be sponsored by the SCHOOL from time to time on questions of special interest.

REGULAR CLASSES

All held on MONDAYS, starting October 17, 1960,
concluding November 21, 1960

6:30-8:00 P.M.

THE CIVIL WAR IN THE UNITED STATES

DR. HERBERT APTHEKER

Gearred to the War's Centennial, this course will analyze the Causes, Conduct and Consequences of the Civil War. It will deal with the roots of the conflict, class structure and struggles, North and South, the diplomacy of the conflict, the Negro people's role in it, the socio-economic and political results of it. Careful attention will be given to the differing interpretations of the War now current.

6:30-8:00 P.M.

THE PHILOSOPHY OF ART

SIDNEY FINKELSTEIN

Examination of the nature of art and the principles of its change and growth; its connection to society and politics. Special attention to clarifying the modern and *avant garde* movements. Analysis mainly of painting, poetry, and the novel.

6:30-8:00 P.M.

ISRAEL AND THE MODERN WORLD

JONAH GLUCK

The history of Israel, its present condition and class structure. Position of Israel in relation to its immediate neighbors and its posture in International affairs. Special attention to nature of Zionism and of various U.S. organizations with particular interests in Israel.

6:30-8:00 P.M.

AN INTRODUCTION TO MARXISM

HENRY KLEIN

What is Marxism? What are Classes? Class Struggle? Capitalism? Socialism? Dialectical Materialism? "Human Nature" and Socialism. War and Imperialism. Socialism and Progress.

8:30-10:00 P.M.

CURRENT PROBLEMS IN MARXIST THEORY

DR. HERBERT APTHEKER

The following questions will be examined: What is Freedom? What is the Nature of Revolution? Problems of the State and of political power; The Source, role and consequence of Religion; Is Democracy possible? What is relationship between struggle for Socialism and for Peace? The Nature and Role of Nationalism.

8:30-10:00 P.M.

THE CUBAN REVOLUTION

JESUS COLON

The History of Cuba, with special attention to U.S. con-

nection therewith. Analysis of events leading to Castro triumph; nature of the Revolution he leads; agrarian and industrial programs; class forces involved; impact upon rest of Latin-America; relationship to Socialist world.

8:30-10:00 P.M.

THE ECONOMICS OF U.S. CAPITALISM

TODAY

DR. HYMAN LUMER

Class structure in U.S. today. Truth about "People's Capitalism"; Is the economic cycle a thing of the past? Facts on monopolization and militarization of economy. Problems of automation; disarmament and the economy; an economic program for the U.S. today.

8:30-10:00 P.M.

THE NEW NATIONS OF AFRICA AND
THE END OF COLONIALISM

WILLIAM L. PATTERSON AND GUESTS

History of Africa, and of formation of newly-independent States on that Continent. Class structures, parties, organizations, leaders in the New Africa. Role in international affairs; impact upon imperialism; meaning for the world today; role of U.N. in liberation of African peoples.

SEMINARS

TUESDAY: (begins Oct. 18) 7:30-9:30:

READINGS IN MARXISM

SAMUEL D'LONG

Three brief Marxist classics will be read and collectively analyzed: *The Communist Manifesto*; *Wage Labor and Capital*; *Socialism: Scientific and Utopian*. Informal, round-table discussion with full student participation.

WEDNESDAY (begins Oct. 19) 7:30-9:30

MARXIST WRITINGS ON ART

SIDNEY FINKELSTEIN

Collective analysis of the writings on art by Marx, Engels, Plekhanov, Lenin. Careful reading assignments; full student participation.

THURSDAY: (begins Oct. 20) 7:30-9:30

ROLE OF THE MODERN STATE IN THE U.S.

JAMES S. ALLEN

Meaning of state intervention in economy; different forms of state economic activities; meaning of state capitalism; meaning of state monopoly capitalism; forms of nationalization; evolution of state monopoly capitalism in the United States; political and world consequences of such development.

SCOPE CLASSES

All held on FRIDAYS starting October 14, 1960,
concluding November 25, 1960

7:00-8:30 P.M.

INTRODUCTION TO MARXISM

TO BE ANNOUNCED

A class for teenagers which will familiarize the student with Marxist concepts in philosophy, history and economics. Among the many subjects to be discussed will be: Ethics and Morals in a Class Society—Relationship to School, Family and Friends—Major Issues of Peace and Desegregation. An invaluable class for teenagers interested in beginning their study of Marxism.

7:00-8:30 P.M.

ANALYSIS OF SCIENTIFIC SOCIALISM

BETTY GANNETT

An analysis of Marxist theory in history and economics, with discussions on practical applications in both socialist and capitalist societies. Among the key points covered will be: Historical Materialism, Class Struggle and The State, Labor Theory of Value, Theory of Surplus Value, Capitalist and Socialist societies. This course offers a solid background for students interested in the theory and practice of Marxism.

7:00-8:30 P.M.

HISTORY OF THE NEGRO PEOPLE'S

STRUGGLE IN THE U.S.

DR. HERBERT APTHEKER

Deals with the historical and present day fight for social, political and economic equality of the Negro people. Topics for discussion to include: material roots of prejudice—the class nature of the forces of oppression of the Negro people—social mores, customs and historical development. Also emphasized will be the gains and victories of the Negro people, their resistance and mass protest ranging from early slave revolts to today's sit-ins.

7:00-8:30 P.M.

MARXIST ANALYSIS OF PRE-MARXIST

PHILOSOPHY

DR. HOWARD SELSAM

A survey of philosophy, presenting major ideas of philosophy and their development in the changing course of human history serving as a prerequisite for knowledge of Marxist philosophy. To include: Bacon—Prophet of the New Science; Hobbes—Bodies in Motion; Locke to Hume—Empiricism; Descartes—Mind and the World Machine; Spinoza—Human Bondage and Freedom; Diderot, Helvetius—Materialism as a Weapon; Kant—Philosophical Revolution and Restoration; Hegel—Dialectics. Invaluable

study for those students having some background in Marxism.

9:00-10:30 P.M.

MARXIST APPROACH TO PSYCHOLOGY

JOSEPH LANE

Designed to acquaint the student with materialist concepts of and a scientific approach to psychology. Discussions will be centered around function of the higher nervous system, consciousness, perception of physical phenomena, ideas and how they are conceived. Current questions of psychoanalysis, hypnosis and latest methods of mental therapy will also be touched upon. A new and stimulating course for any SCOPE student.

9:00-10:30 P.M.

HISTORICAL MATERIALIST APPROACH
TO AMERICAN HISTORY

TO BE ANNOUNCED

An explanation of Historical Materialism followed by study and analysis of historical landmarks in American History from colonial times to the Civil War. The course will cover the struggle of the American colonies against British colonialism, Declaration of Independence, the Constitution, class structure of early America and its relationship to industrialization, slavery, trade unions and farm movements ending with the second American revolution, the Civil War. An invaluable supplement to high school and college American History courses.

9:00-10:30 P.M.

AN ECONOMIC ANALYSIS OF MODERN
AMERICAN CAPITALISM

VICTOR PERLO

A course with lectures and discussions designed to explain and probe into the structure of American Capitalism and its monopolistic practices. World Markets and Imperialism and their relationship to our economy, as well as Peoples' Capitalism and the Welfare State will be among the many topics discussed.

9:00-10:30 P.M.

HISTORY OF AMERICAN RADICAL
MOVEMENTS

WILLIAM ALBERTSON

The history of the various American radical movements and parties and their role and relationship to our country's history. The ideology of Socialist and Communist parties will be examined and thoroughly discussed. Their present policies and programs will be critically reviewed in light of current national and international events.

WHAT IS THE N.Y. SCHOOL FOR MARXIST STUDIES?

It is a newly-organized school seeking to continue the long and fruitful history of progressive education in New York City. Its aim is to offer a scientific approach to the central problems facing our nation.

The era in which we live has been characterized as the Age of Anxiety, of Conformity, of Cynicism; such titles reflect the growing intellectual and moral dissatisfaction in our country. President Eisenhower's answer has been the appointment of a Committee on National Purpose, which is charged with discovering one, if possible. Our answer is a renewed determination to teach and study Marxism, which, we think, offers valid answers.

WHAT SUBJECTS ARE TAUGHT?

The SCHOOL offers courses in economics, politics, history, philosophy, psychology, literature, music, and other arts.

WHO MAY ATTEND; WHO ARE THE TEACHERS?

Any one may attend. The SCHOOL welcome everyone, regardless of previous education, of nationality, color, creed, or political belief. The teachers are men and women of considerable experience as teachers and in the labor and progressive movements of our nation. They believe that Marxism is the most enlightening philosophy available for comprehending the world in which we live.

WHO FINANCES THE SCHOOL?

The students, through their course fees, are the largest source of income. Expenditures are kept to an absolute minimum. Even so, however, the SCHOOL cannot exist on the basis of tuition fees alone; hence we shall attempt a continual program of money-raising through affairs, donations, and other aid undertaken by our students and friends.

WHAT IS SCOPE?

SCOPE—meaning Student Committee on Progressive Education—is an organization of young people, established by and run by them, seeking instruction in matters of interest to them from Marxist teachers. It has been in existence for several years and been quite successful. It has chosen to become an organic part of the SCHOOL, while retaining full autonomy as to its own curriculum. It participates in the conducting of the SCHOOL as a whole, and simultaneously has full responsibility for its own particular program geared especially for students and working youth.

Mr. TAVENNER. How large is that school? Will you answer that?

Mr. APTHEKER. I think you know that I will not——

Mr. TAVENNER. I thought that you might not.

Mr. APTHEKER. Therefore, I will reply no; I will not answer that on the basis of the first and fifth amendments.

Mr. TAVENNER. The leaflet that I handed you, The New York School for Marxist Studies, refers to "SCOPE Classes" being held, and then on another page it refers to "Regular Classes."

Will you tell the committee, please, the distinction between the two types of classes?

Mr. APTHEKER. Mr. Tavenner, privately with you or any other citizen of the United States I would be very happy to discuss this and other questions, but I guess I am dull, I fail to see the pertinence of this with what was supposed to have brought me here, and I have already indicated that I will not answer questions related to that school on the basis of the Bill of Rights.

Mr. TAVENNER. Will you tell the committee, please, what the relationship of SCOPE Classes is to the Communist Party of the United States, if any?

Mr. APTHEKER. I again state that the pertinence of that question to this inquiry escapes me, and I affirm again that on the basis of the first and fifth amendments I will not reply to that question.

Mr. TAVENNER. Now I have before me an issue of Political Affairs under date of June 1959. In it there is an article by Hyman Lumer, entitled "On Party Youth Work,"¹ and on page 8 of it there appears this statement:

A number of non-Party Marxist youth groups have sprung up, chiefly on college campuses. These, usually loose-knit and informal in character, have been devoted principally to discussion and education. An outstanding instance is the Student Committee on Progressive Education (SCOPE) in New York, which has organized Marxist classes enrolling over 100 students at a time.

Now, will you tell us whether or not the SCOPE Classes referred to in The New York School for Marxist Studies are identical to the type of SCOPE Classes referred to by Hyman Lumer in that article?

Mr. FAULKNER. Mr. Chairman, may I with all due respect address you on this?

The subpoena served upon Dr. Aptheker calls for an investigation, presumably of a fund. This interrogation goes far afield from anything that this committee has set out to investigate. I feel that it is wholly out of order, and I call upon you as chairman to direct Mr. Tavenner that this questioning is far afield from the purpose that this committee is sitting here for today.

If the committee wants to call Dr. Aptheker back on another day to question him on such things as Mr. Tavenner is questioning, pursuant to a subpoena, he will respect the subpoena and appear, but I think there should be some respect to the members of this committee that Mr. Tavenner should show.

This committee was called together to interrogate with respect to a fund, and not a dozen or so publications and many extraneous features of possible activity and writings of this witness.

The CHAIRMAN. Well, this is a close question, but I think that it is germane. I direct the witness to answer the question.

¹ The complete article entitled "On Party Youth Work," marked "Aptheker Exhibit No. 3" for identification purposes, appears on pp. 84-91.

Mr. APTHEKER. I do not, Mr. Chairman, see how it is germane. I wish that I did. But I do not. On the grounds of its not being germane or pertinent, and on the rights in the Bill of Rights, I decline to reply. I am wondering, since Mr. Tavenner was so concerned about the grant to this awful Dr. Aptheker, and asked other witnesses about my alleged qualifications for a scholarly grant, when he might get to that, and whether he thinks that that is pertinent to this.

The CHAIRMAN. Now will you answer the question?

Mr. APTHEKER. I have answered the question, sir.

The CHAIRMAN. You forgot to invoke the fifth amendment.

Mr. APTHEKER. I don't think that I did.

Mr. FAULKNER. May we have the question repeated?

Mr. WILLIS. He invoked all of the protections under the Bill of Rights.

The CHAIRMAN. All right.

Mr. TAVENNER. Dr. Aptheker, I didn't intend by the questioning of those witnesses to indicate that you were not qualified scholastically. I have been endeavoring to find out from you other qualifications that you possess such as your membership on the National Committee of the Communist Party. So in the light of your answer, I will ask you that question again: Were you a member of the National Committee of the Communist Party at the time that this grant was made to you?

Mr. APTHEKER. It was already testified here under oath by several witnesses that there were not such qualifications for a grant. Therefore, political affiliation, it was testified here, without any contrary evidence, had nothing to do with qualifications for the grant.

Furthermore, now that you again ask the same question, I decline to answer it for the reasons that I have at least seven times hitherto stated.

Mr. TAVENNER. Is The New York School for Marxist Studies the successor to the Faculty of Social Science?

Mr. APTHEKER. I will answer no questions of that nature concerning schools, and I wasn't called here for that purpose, according to the subpoena. It is irrelevant, it seems to me, and on the basis of my rights in the Bill of Rights, I will make no reply to this irrelevant question.

Mr. WILLIS. Mr. Chairman, at this point I call attention to the implication of the Bill of Rights. I think that is really too broad, and I think that you should specify specific provisions of the Bill of Rights.

Mr. APTHEKER. I would be happy to specify specific provisions, and I refer specifically to the first and the fifth amendments which constitute basic components of the Bill of Rights, as I am sure that Mr. Willis knows.

The CHAIRMAN. Will you go ahead, Mr. Tavenner?

Mr. TAVENNER. Actually, Dr. Aptheker, I have asked one or more witnesses whether or not the activities of The Fund for Social Analysis was not a continuation of the same type of activity in which the Jefferson School of Social Science was engaged, and the Faculty of Social Science. They refused to answer the question. That is why it is pertinent here now to inquire from you, whether or not you were associ-

ated with those groups, and whether or not you know that there was a relationship in the objectives of the two.

So again, having made that explanation, I would like to ask you whether or not you were connected with the Jefferson School of Social Science?

Mr. APTHEKER. I have already stated that I was in no way connected with the organization of the Fund, which is what we are supposed to be inquiring about. Since I was in no way associated with the Fund and that is the purpose of this inquiry, what possible difference can it make as to whether I was associated with this school or that school or with this club or that club or this church or that church?

I respectfully, therefore, decline to answer the question again as being in my opinion irrelevant, and I invoke again the first and the fifth amendments to the Constitution.

Mr. TAVENNER. Were you connected with the Faculty of Social Science as a teacher?

Mr. APTHEKER. I have already answered that question and I will again, by saying that it is irrelevant and on the basis of the first and fifth amendments I will not cover myself with shame by answering it.

The CHAIRMAN. You don't mean by answering it, you mean by admitting it, do you not?

Mr. APTHEKER. No, sir; if I meant admitting it, I would have said that.

The CHAIRMAN. Go ahead.

Mr. TAVENNER. Were you a director of the Faculty of Social Science?

Mr. APTHEKER. My answer is the same, and is it necessary for me to repeat the entire phraseology?

Mr. TAVENNER. No, it is not; if you say "on the same grounds," I think that the chairman will accept that.

Mr. APTHEKER. Thank you.

Mr. TAVENNER. Do you refuse on the same grounds?

Mr. APTHEKER. Yes, sir; I do.

Mr. TAVENNER. I offer in evidence a document entitled "Loft Lease," and it bears at the end of it the signature of Herbert Aptheker, for the Faculty of Social Science. I desire to hand you that document. I offer it in evidence and I ask that it be marked "Aptheker Exhibit No. 4."

Will you examine it and state whether or not that is a copy of the lease for the quarters of the school, the Faculty of Social Science?

Mr. APTHEKER. I see no relevance to this to today's inquiry and my subpoena, and therefore, and also on the basis of the first and fifth amendments, I decline to reply to your question.

(Document marked "Aptheker Exhibit No. 4" and retained in committee files.)

Mr. TAVENNER. Was the Faculty of Social Science found by the Subversive Activities Control Board to be a Communist-controlled school?

(The witness conferred with his counsel.)

Mr. TAVENNER. I meant the Jefferson School of Social Science.

Mr. APTHEKER. On the grounds already stated, I refuse to reply to questions about schools.

Mr. TAVENNER. When were you last granted a passport?

Mr. APTHEKER. I am not absolutely sure of the date, but it was quite recently.

Mr. TAVENNER. I believe there was one issued to you on December 10, 1958.

Mr. APTHEKER. Well, I think that there was one granted more recently than that, sir.

Mr. TAVENNER. Did you travel on the passport that was granted you in December of 1958?

(The witness conferred with his counsel.)

Mr. APTHEKER. Really, on the grounds of what relevancy this has to do with the inquiry, on that basis I decline to pursue this kind of discussion, and decline to answer on the grounds of irrelevancy and the first and fifth amendments to the Constitution.

Mr. TAVENNER. Did you meet with any officials of the Communist Party while you were engaged in travel under this passport?

(The witness conferred with his counsel.)

Mr. APTHEKER. I decline to answer on the same grounds just stated.

Mr. TAVENNER. It is noted that there are three questions on the passport application, all of which were unanswered, relating to your present, or then present, membership in the Communist Party and your past membership.

Why did you refuse to answer those questions?

Mr. APTHEKER. I decline to reply to that. You observe that the passport was granted.

(Document marked "Aptheker Exhibit No. 5" and retained in committee files.)

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. APTHEKER. May I ask something here?

Do I understand from this, that when you were asking Dr. Moore and Mr. Magdoff what I thought was some sort of biting inference about the qualifications of Dr. Aptheker for the scholarly grant, that you had no biting inferences, and that you admit to the scholarly reasons for making such a grant to me?

The CHAIRMAN. All we admit is that the grant was made to you by a committee, and that is all we admit.

Mr. APTHEKER. Why is it, sir, that you haven't asked me about scholarly requirements?

The CHAIRMAN. We are.

Mr. APTHEKER. Is that not why I was subpoenaed?

The CHAIRMAN. Is there anything further, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. APTHEKER. I brought my books and writings, and there is apparently no interest in what somebody writes.

The CHAIRMAN. The committee stands adjourned.

(Whereupon, at 3:45 p.m., Wednesday, May 31, 1961, the committee was recessed, subject to call.)

APTHEKER EXHIBIT No. 3

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ON PARTY YOUTH WORK*

By Hyman Lumer

In the momentous struggle for peace, democracy and social progress taking place today, the youth of our country occupy a uniquely important position. Hence they are a vital element of the mass base of any working-class or socialist organization, not least of the Communist Party. The Party cannot wage successfully the fight for progress and socialism without striving to win a solid base among the youth, and without a continual influx of young people into its ranks.

The dissolution of the Labor Youth League and the subsequent abandonment of attention to youth work were among the worst consequences of the crisis through which the Party has just passed. For a considerable period of time, there has been a virtually complete void in this field of activity—a void which is only now beginning to be filled. For this serious lag, the Party leadership at all levels must accept full responsibility.

Today there are mounting indications of a revival of the mass youth movement, and with this of a growing interest of young people in progressive and Communist views, as well as in the lands of socialism. Accompanying these developments, there has been a growth of mass activity among Party youth, and a growing interest in and movement towards the re-establishment of a Marxist youth organization. Much of the discussion on youth organization, however, has been unrelated to current mass struggles and developments in the mass youth movement, and therefore has tended to be rather abstract. This is indicative of the continued isolation of the bulk of the youth in and around the Party from most of these experiences.

What is required at this point is an examination of the status of the youth movement and of youth work generally, and the working out of a Party policy and program in this field. The specific problems of youth organization need to be viewed in relation to this over-all picture. This report undertakes to deal with these questions. It is, however, in no sense exhaustive or final; in particular, it makes no effort to present the kind of detailed study and analysis of attitudes, activities and trends among American youth which a full examination of youth work requires. This still remains to be done.

PROBLEMS OF YOUTH

It is necessary, in the first place, to consider the specific nature of the problems of youth today. For, even though in a capitalist society these remain basically the same, they have undergone a number of significant changes since the thirties and the days of World War II. Here we can only touch on some of them.

For one thing, there has been a considerable rise in the proportion of youth attending school beyond the age of 16. From 1920 to 1950, the proportion of 16 year-old youth in school rose from 51% to 81%, of 17 year-olds from 35% to 68%, of 18 year-olds from 22% to 40%, and of 20 year-olds from 8% to 18%. Since 1950, there has been a further marked increase. This means that student youth today comprise a much larger part of the total youth population than they did 20 or 30 years ago, and that their problems assume correspondingly greater weight in the total picture.

At the same time, a large part of the teen-age youth, both in and out of school, are employed or seeking work, whether full-time or part-time. In October, 1956, for example, some 2½ million in the 14-17 year age group had jobs—one-fourth of the total population in this age range. The main reason for their working is poverty. About 9½ million children in 1955 came from families whose cash income was less than \$40 a week, 2½ million of them from families with a cash income below \$10 a week. Some 700,000 were employed in agriculture, many along with their parents as migrant farm laborers.

This economic situation has not improved within the past few years. If there should be less teen-age youngsters employed today, it is not because their need is less but because there are less jobs. Indeed, it is the youth who have been

*This article is based upon a Report presented to the National Committee, CPUSA, on April 26, 1959. The Report, and its proposals, were adopted unanimously.—Ed.

hardest hit by the recent growth of unemployment. In the 14-17 year age group, the rate of joblessness in February, 1959 was 15% and that in the 18-24 year age group 14% as against a national average of 7%. In the distressed areas—in cities like Detroit, Buffalo, Pittsburgh and many others, where chronic unemployment is rampant—the rate among young people is far higher than in the nation as a whole. For in these areas, because of seniority provisions in union contracts, it is only the older workers with many years of seniority who can count on having work.

In the under-20 age groups, the rate of joblessness remains much above average even in periods of peak employment. Here, among other things, there exist major problems of inadequate or perverted vocational guidance and job placement facilities, as well as the absence of suitable measures for helping to assure employment in decent jobs for young people entering the labor market.

Among Negro workers, the rate of unemployment as given by the official figures is more than double that among white workers. In many of the larger industrial centers, it ranges as high as 20-25%. Hence among Negro youth, if the age-group ratios characteristic of the nation as a whole are valid, unemployment ranges from about 30% to as much as 50%. This is truly a problem of alarming proportions—and a much neglected problem on our part.

Today, the problem of jobs is once more coming to the fore among American youth. Not only among Negro youth, but in the distressed areas among youth generally, the problem is already acute. And the effects of unemployment are more severe today than in periods like the thirties, for their has taken place a lowering of the average age of marriage, and in the present period many more young adults are married people with families and with economic problems approximately those of adults rather than of youth. In addition, large sections of the unemployed youth, entering the labor market for the first time, are totally ineligible for unemployment compensation.

Another serious problem is the deepening crisis in education. To be sure, a very critical situation developed during the depression of the thirties, but what is particularly noteworthy about the crisis today is its growth during a period of relative prosperity. In this respect, it offers a striking testimonial to the inability of modern American capitalism, which can "afford" not only some 40-odd billions for armaments but clamors for still more, to provide an educational system at all adequate for the needs of our youth.

There exists today, says Senator James E. Murray of Montana, a shortage of 140,000 classrooms and 135,000 teachers. The shortage is growing, not shrinking, while Federal aid to education kicks around in Congress year after year and gets nowhere. And in our colleges and universities, tuition fees, already at astronomical levels, continue to go up amid anguished complaints of college administrators that even such fees fall far short of meeting their financial needs.

Nor does the existing system of scholarships meet the problem, for these go not to working-class youth but mainly to those of middle-class families. A recent survey covering 200 colleges shows that the average yearly income of families of scholarship recipients is \$7,500, as against a national average of \$5,000. One-third had incomes exceeding \$8,000 a year. According to Rexford G. Moon, Jr., director of the College Scholarship Service, the nation is now being deprived of the talents of 150,000 able youth each year from the low-income groups.

The deterioration of our educational system has been proceeding over a period of many years. But since the advent of Sputnik and the opening of the eyes of many Americans to the remarkable accomplishments of the Soviet educational system, it stands out more glaringly than ever.

As for the segregated educational facilities available to Negro youth, so flagrant a national scandal have these become that it is scarcely necessary here to dwell on their gross inferiority not only in the South, but in the North as well. But what should be noted is that if a general process of deterioration is going on, this process is all the more pronounced in the facilities for Negro students. Such, in brief, are some of the main problems facing American youth today. There are, of course, other important problems, not least among them the persistent plague of juvenile delinquency. We shall not, however, attempt to deal with these here.

STATUS OF YOUTH MOVEMENT

The depression of the thirties witnessed a tremendous democratic upsurge of the youth and the development of a movement of great breadth and power—a movement extending through the thirties and into the war years. It was during the thirties, a period when the working class was on the move and organized labor made great strides forward with the formation of the CIO, that there came into being the American Youth Congress, a federation whose component organizations in 1938 numbered no less than 11 million members.

It was during this period, too, that the Young Communist League blossomed forth, growing from 3,000 members in 1933 to 22,000 in 1939. The YCL was an influential force in the mass youth movement. Outstanding among its accomplishments was its leadership in the winning of the American Youth Congress from the control of the pro-fascist elements who initiated it for their own ends, and its conversion into a mass democratic organization. The upsurge of the thirties included the South, where it was reflected, among other things, in the emergence of the Southern Negro Youth Congress.

The postwar period—the years of cold war and McCarthyism, as well as of relative prosperity—saw a sharp decline in the youth movement. In 1953, according to a study by the National Social Welfare Agency, less than 1% of young adults (and these predominantly middle-class) were reached by the educational programs of the major youth organizations. The main reasons given for lack of interest were preoccupation with personal problems and the negative impact of the then prevailing atmosphere. Among teen agers, organized activities were very largely reduced to the “keep them out of trouble” level, although a minimal amount of struggle continued through such organizations as YMCA, YWCA and NAACP youth groups, and there were expressions of opposition to war and the draft.

But today a fresh upsurge is beginning to take place in the youth movement—an upsurge of which the evidences are rapidly multiplying. American youth is once more on the move, and not in the direction of the Beatniks but in that of social awareness and struggle.

Of this, the most conspicuous evidence is the movement which has developed around the Youth March on Washington. The outpouring of more than 26,000 young people, both Negro and white, in Washington on April 18, together with the collection of some 400,000 signatures on petitions, constitutes an unmistakable demonstration of the tremendous interest of American youth in the momentous struggle. But what is even more significant is the widespread interest in moving toward some permanent form of mass organization of youth in this field of action. For what the enormous response to the March indicates above all is the extensive pressure for united, organized movement and activity of Negro and white youth against discrimination and segregation, and in defense of the Constitution.

A second area of wide and growing youth activity is the peace movement. Throughout the country, large numbers of young people are today involved in such activities through a variety of religious and pacifist organizations—through the Friends, the Fellowship of Reconciliation, church groups, and such organizations as the Committee for a Sane Nuclear Policy. And on many college campuses, student or student-faculty committees have been formed to fight for an end to nuclear tests and the outlawing of nuclear weapons. These activities are as yet scattered and uncoordinated—a feature of the peace movement as a whole—and the Left generally is unfortunately still remote from them. But they are clearly indicative of the potentialities for the building of a powerful mass youth movement for peace.

A third area, of increasingly acute concern, is the rise in unemployment. This situation has not spontaneously produced an organized movement of unemployed youth, nor, if left to itself, is it likely to do so. On the contrary, such young people, unfamiliar with the role and history of the labor movement, all too easily fall prey to anti-labor propaganda and are led to blame their plight on the unions. To such an extent has anti-union propaganda been effective among these young people that the United Steelworkers recently was impelled to issue a pamphlet addressed to high school youth, undertaking to explain the real nature of the union.

There is no doubt, however, that given a program to fight for, the growing numbers of youth finding themselves, with no prospects of secure employment, will respond. In the thirties, the fight for a National Youth Act, one of the

main activities of the American Youth Congress, offered such a rallying point. Today, the fight for a new National Youth Act, providing aid in education, vocational training and securing employment, unemployed benefits for young people entering the labor market and unable to find work, as well as other forms of assistance, would similarly serve as a basis for rallying youth in a mass movement for jobs.

Still another indication of a new spirit among youth is the intense interest in the World Youth Festival to be held in Vienna this summer. From all indications, it appears that a bar broader and more representative American delegation will go to this Festival than has gone to any previous one. And such a delegation, on its return, is bound to have a strong impact in this country.

All these developments are beginning to have an effect on some of the existing national youth organizations. These have functioned chiefly as service organizations, providing recreational, cultural and educational activities of various kinds. Today, however, there are signs of change. A noteworthy instance is the endorsement and active support of the Youth March by such conservative organizations as the National Student Association and the American Christian Youth Movement.

We shall not attempt here to make a detailed analysis and estimate of these various movements and currents among youth. At this juncture, we wish only to point to the vital importance of the initiative and participation of the Left for their future development.

The resurgence of the youth movement now in process represents the beginnings of a new awakening of a mass of American youth poisoned for the past decade by cold-war propaganda, intimidated into silence and a deadening conformity by the onslaughts of McCarthyism and corrupted by a period of relative prosperity to the philosophy of "getting it while the getting's good." The mounting struggle for Negro freedom, the continued threat of war and the disruption of their lives by the draft (now continued for another 4 years), the increasingly acute problem of jobs, the crisis in education—all these are contributing to a growing awareness and concern about social issues among widening sections of young people.

But this spontaneous movement, left to itself, can develop only in a limited, halting way. Without doubt, the political and organizational initiative of the Left will contribute greatly toward giving life and direction to the underlying sentiments impelling youth to action and transforming them into organized struggle. It is such initiative, for example, which is needed to realize the development of a coordinated peace movement among youth, capable of mass action on a national scale. And it is such initiative which is essential to the emergence of an organized struggle for jobs.

PARTY RESPONSIBILITY

The Party in particular has an obligation to be active in all democratic movements. It must become thoroughly involved in them, helping to give them direction and vitality, and putting forth its own independent position. Unfortunately, however, we have with some exceptions remained largely isolated and apart from them. What is needed today is to plunge the Party's forces unstintingly into these mass activities and into tackling the problems entailed in their further development. It is in the mass movements and struggles of the youth that the basis lies for organized youth activity in our ranks and for the building of progressive youth organizations. Indeed, these broad activities which are now developing have already given new life to youth groups in and around the Party, groups which had previously been drifting and inactive.

Above all, the Party, as a party of the working class, representing the interests of all working people, should be in the forefront of such struggles. It is necessary particularly to emphasize the fact that youth work is the responsibility not of the Party youth alone but of the Party as a whole. For it is not youth alone who are involved in the mass struggles for the demands and needs of youth. Rather, adult initiative and leadership are essential features of such struggles, and in certain areas—the fight for better schools, for example—the movements are primarily movements of adult groups and organizations.

We must therefore put an end to the erroneous tendency to equate youth work with the work of the youth alone, which has too often characterized our approach in the past. On the contrary, it must be regarded as the task of the entire Party, and the necessary program and organizational apparatus must be established for carrying it on.

On the other side of the coin is the winning of youth itself as an ally of labor and progressive forces. Here we come to the question of youth activity and organization as such, and to the problem of filling the void which today exists in this aspect of youth work.

The Party has taken some initial steps, though admittedly very inadequate ones as yet, toward dealing with these responsibilities. Nevertheless, it must be said that the Party as a whole is still lagging very seriously in tackling these questions.

STATUS OF LEFT YOUTH ORGANIZATION

The dissolution of the LYL left a chaotic situation. The bulk of its membership was dispersed. Some sought an alternative in the Trotskyite Socialist Youth Alliance, but with few exceptions these soon discovered the impossibility of working with Trotskyites and left these groups. A number formed independent, unguided study groups, whose studies were a veritable hodge-podge, embracing such subjects as existentialism, Titoism and Freudianism.

Among the Party youth in the LYL, some found their way into various Party clubs and into other fields of Party activity. Others, fewer in number, were organized into Party youth clubs. Still others left the Party and political activity, though some of these have remained as study groups, in some cases hostile to the Party. In one state the LYL did not dissolve but continued to exist, though changing its name and organizational form.

Today there exists a variety of organizational forms, Party and non-Party, Marxist and non-Marxist. Some districts have functioning youth commissions, usually consisting of both youth and adults. In a number of areas there are Party clubs. In some of these the membership is chiefly teen-age, but for the most part the clubs consist of young adults, many married and with families, and oriented away from youth work. Most Party youth, however, are not in youth clubs.

A number of non-Party Marxist youth groups have sprung up, chiefly on college campuses. These, usually loose-knit and informal in character, have been devoted principally to discussion and education. An outstanding instance is the Student Committee on Progressive Education (SCOPE) in New York, which has organized Marxist classes enrolling over 100 students at a time. In fact, there is generally a wide and growing interest in Marxist education among youth.

There exist also a great variety of teen-age groups in different parts of the country, generally non-Marxist in character but under Marxist guidance or leadership. Some of these are choral groups; one is built around a summer camp; others are organized around other cultural or social activities. In varying degrees, they participate in political struggles—today to a wide extent in the Youth March. In one area, there is a pre-teen group consisting of youngsters 11–12 years of age.

In all of this profusion of groups and organizations, there exists little or no coordination, and no over-all program of youth work as a guide to activity. There are, to be sure, the beginnings of a youth page in the *Worker*, but this is as yet highly inadequate in content and scope. And there is a great diversity of opinions as to the direction which the progressive youth movement should take.

Other Left youth organizations remain, on the whole, comparatively small and unimportant. The Trotskyite Young Socialist Alliance, which has paraded itself as a “united” youth organization and still publishes a newspaper, has only a handful of followers and has succeeded in obtaining a footing only on a few college campuses. For the most part, those attracted by it were soon repelled, some to become completely disillusioned and to drop out of political activity.

The YPSL, following the entrance of a group of Schachtmanite youth after the merger of the Schachtman group with the Socialist Party last year, has become very active in a number of areas and has begun to issue a newspaper, the *Challenge*. But its total membership and influence is small.

THE QUESTION OF A YOUTH ORGANIZATION

During the past year, considerable debate and activity have developed in relation to the question of reestablishment of a national Marxist youth organization, a question on which there exists a considerable divergence of opinion among the youth.

One section, consisting of Party youth, opposes the setting up of such an organization, maintaining that the work of Party youth should be carried on within the Party through an organizational apparatus based on Party youth clubs and possibly a youth division. If a national youth organization is to be formed at all, it should be of a broader, non-Marxist character. Such views are prevalent among young adults, who see their future work as lying within the Party, as well as among a section of the teen-agers who are actively involved in non-Marxist teen-age organizations and do not see these becoming part of a Marxist organization.

At the other extreme is a group which advocates the immediate formation of what they term a Marxist-Leninist youth organization, whose membership would be limited to those professing adherence to Marxist-Leninist principles—in short, a vanguard organization patterned pretty much after the Communist Party. A third section supports the formation of a Marxist type of youth organization, but believes it should be much broader in character, embracing not only youth in and close to the Party but a wider body of socialist-minded, Marxist-oriented youth as well. It is worth noting that the main, though by no means the only pressure for the formation of a Marxist youth organization of one kind or another comes from student groups.

These questions are, of course, of no small interest to the Party as a whole as well as to Party youth. For the path which is chosen at this critical juncture can either serve greatly to advance the struggle for progress and socialism among the youth or seriously to set it back. Efforts to form a youth organization of a kind for which there is actually no place or need would only create added obstacles to progress in this sphere.

In our opinion, there is a definite need for a socialist youth organization today. This need is underlined and made increasingly acute by the revival of a mass youth movement, which more and more makes painfully evident the absence of any national youth organization which fights unyieldingly and unequivocally against the corruption and debasement of the youth by the American ruling class. The youth have many burning problems—unemployment, the threat of war, the high cost and inadequacy of education, discrimination and others—which demand answers that only a socialist organization can give. What is needed particularly is a type of organization which is able to reach out to the growing numbers of youth who, in the course of their struggles, begin to look, in however confused a way, to socialism as the answer to their problems. What is needed is an organization which, in the course of participation in active struggles, educates such youth as to the nature of socialism and on developments in the socialist countries.

Hence we should do everything possible to encourage those who seek the formation of a nation-wide socialist youth organization, dedicated to mobilizing the working and student youth of America for struggle for the immediate demands of youth and to educating young people in the spirit of socialism. And we should support those who, in seeking to form such an organization, are guided by the following principles:

1. The organization should be broad in its popular appeal and should seek to establish united front relations and activities with other youth organizations of a progressive character.

2. Its principles of organization should be broad, flexible and democratic. It should admit into its ranks both Communist youth and other Marxist-oriented and progressive young people who are interested and wish to participate in any of its activities and in learning about its program and teachings.

3. It should be based on solidarity and cooperation with a) all struggles of the American working class for its economic interests and its democratic and trade union rights, b) all struggles of the Negro people for full equality and the eradication of all forms of racism and discrimination. It should be devoted to militant struggle to safeguard and extend constitutional liberties and the progressive democratic traditions of our country.

4. It should maintain friendly, cooperative relations with organizations of the working class, including its Marxist vanguard.

5. It should have a positive attitude to the socialist countries, and should work for East-West friendship. It should also have a positive attitude to and seek the closest fraternal relations with the socialist and progressive youth organizations of other countries.

6. It should be based on solidarity and friendship with peoples throughout the world and support for all people's struggles for independence and liberation from imperialist domination.

These ideas, it should be noted, are not new. These are the kind of principles on which socialist youth organization has been based on past occasions. We believe they are valid for today. What is needed, of course, is a much fuller study of the history of past youth organizations, and the lessons to be learned from their experiences. Such a study will no doubt be made by those concerned with the problems of establishing a new organization.

We cannot accept the premises of the "Call to Youth" which appeared in *Political Affairs* for April, 1958, as the basis for forming a youth organization. To be sure, it represents an initiative at a time when there was considerable ideological controversy in our ranks and when the Party was almost totally inactive in this field. And no doubt its authors were on the whole motivated by a sincere desire to stimulate discussion and action on the youth question. Nevertheless, we cannot agree with its approach. For one thing, the "Call" displays a very negative approach to both the working class and youth in this country, picturing both simply as being extremely backward and corrupted, and failing to make a realistic, balanced evaluation of their attitudes and ideological status. It likewise deals with the question of youth organization in abstraction from the mass developments among youth. It confines itself to presenting what its authors consider a summary of Marxist-Leninist principles, presumably addressed to those youth prepared to accept these principles, of whom, apparently, the proposed organization is to consist. Finally, the "Call" presents a negative, distrustful attitude to the Party and its leadership. The latter, it is implied, remains tinted with revisionism; hence a youth organization is needed whose role is evidently to be the defense of Marxist-Leninist principles.

To attempt to establish a narrowly-conceived, inwardly-oriented youth organization with conditions of membership virtually the same as those of the Communist Party would, we maintain, be a most serious mistake. Such an organization would be nothing more than a junior edition of the Party, and its membership would inevitably consist of little more than Party members. It would perpetuate and even increase the isolation of Party and Marxist youth from the main currents of movement and struggle.

Above all, there is no place for any youth organization, let alone one which professes to be Marxist-Leninist, which is based on mistrust and hostility to the Party—an organization whose purpose is to "correct" the Party, to make up for its "inadequacies." Such an organization can only be factional and anti-Party in character, and can only do great harm. Those in our ranks who seek to embark on such a path must be firmly opposed and repudiated.

There is some thinking to the effect that the situation calls for a youth organization of a broader, non-socialist character—a mass democratic organization uniting youth in the fight for peace, jobs, equal rights and other vital goals. A socialist organization, it is argued, would be too narrow in scope and would limit the effective mobilization of the masses of youth in these decisive struggles.

We feel, however, that whatever else may emerge, there is a place and need for a socialist youth organization. This does not preclude the formation of other progressive youth organizations or of united front movements of very broad scope. On the contrary, the existence of a socialist youth organization is important to these developments.

Between the conception of an organization and its realization lies a considerable gap. It is not so difficult to work our ideas as to what sort of organization ought to exist. It is much more difficult, however, to bring it into existence; this requires a continuous struggle, particularly against tendencies toward inner orientation and sectarian isolation as well as against tendencies to obscure or push into the background its socialist character—both inevitably engendered by the pressure of the attacks of reaction.

To begin with, the conditions for its formation must exist or be brought into being. Chief among them is the existence of a base consisting of both a core of Party youth and a substantial body of non-Party, militant, progressive and socialist-oriented youth, and both with firm roots in the mass movement. In this respect, present conditions in various parts of the country are highly heterogeneous. Generally, however, there appears to be no sufficient base for the immediate formation of a national youth organization, even though we believe it is correct to orientate toward such an organization. Undoubtedly, it will be necessary in working toward that goal to pass through a formative period, during which local committees and organizations of various kinds will appear, permanent or temporary, directed toward specific areas of mass work or individual campaigns.

Out of these developments there could emerge, before long, a socialist youth organization on a national scale, embracing both Party and non-Party socialist-oriented youth. It is possible, too, that other types of progressive youth organizations may develop. The exact nature of such organizations would become clearer in the course of youth activity; at this point, it is possible only to express an opinion as to general orientation and direction.

* * *

In conclusion, every effort should be made to increase and widen the Party's youth work and its participation, initiative and influence in mass youth movements and campaigns. Attention should be given in all districts to the setting up of youth-work commissions. A flexible policy should be developed toward the building of Party youth clubs and similar organizational forms. Every effort should be made to establish a national apparatus as soon as possible, and steps should be taken to prepare a Party program and perspectives for all aspects of youth work, as well as an educational program for youth.

Further, the Party should do all it can to help create conditions for and support efforts of youth groups toward the establishment of a nation-wide socialist youth organization along the general lines indicated above. It should give full encouragement and support to the building of all kinds of local youth organizations and committees, among them various interim and provisional forms of organization directed toward the goal of a national youth organization.

This Report, we hope, will contribute to the fruitful revival and growth of the work of the Party among American youth.

HEARINGS RELATING TO H.R. 4700, TO AMEND SECTION 11 OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950, AS AMENDED

(The Fund for Social Analysis)

WEDNESDAY, JUNE 7, 1961

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.
EXECUTIVE SESSION ¹

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 2 p.m., in room 226, Old House Office Building, Washington, D.C., Hon. Clyde Doyle presiding.

Subcommittee members: Representatives Morgan M. Moulder, of Missouri, chairman of the subcommittee; Clyde Doyle, of California; and August E. Johansen, of Michigan.

Committee members present: Representatives Clyde Doyle, presiding; August E. Johansen; and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavenner, Jr., director; John C. Walsh, co-counsel; and Donald T. Appell, investigator.

Mr. DOYLE. Let there be inserted at this point in the record the appointment of the subcommittee.

(The document referred to follows:)

JUNE 1, 1961.

TO Mr. FRANK S. TAVENNER, JR.,
Director, House Committee on Un-American Activities:

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable Morgan M. Moulder as Chairman, and Honorable Clyde Doyle and Honorable August Johansen as associate members, to conduct hearings in Washington, D.C., beginning on the 1st day of June 1961, on H.R. 4700, and other subjects under investigation by the committee, and take such testimony on said day or succeeding days as it may deem necessary.

Please make this action a matter of committee record.

If any member indicates his inability to serve, please notify me.

Given under my hand this 1st day of June, 1961.

(S) Francis E. Walter,
FRANCIS E. WALTER,
Chairman, Committee on Un-American Activities.

Mr. DOYLE. The subcommittee will come to order. Please note as present Messrs. Doyle and Johansen, of the subcommittee, and also present Mr. Scherer, of the full committee.

¹ Released by the committee and ordered to be printed.

Do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. DUNHAM. I do.

**TESTIMONY OF BARROWS DUNHAM, ACCOMPANIED BY COUNSEL,
PHILIP DORFMAN**

Mr. TAVENNER. Dr. Dunham, will you state your name, please, sir, your place of residence, and your occupation?

Dr. DUNHAM. My name is Barrows Dunham.

Mr. TAVENNER. And your residence?

Dr. DUNHAM. 127 Bentley Avenue, Cynwyd, Pa.

Mr. TAVENNER. What is your occupation?

Dr. DUNHAM. I have no salaried employment.

Mr. TAVENNER. You have been engaged in the teaching profession?

Dr. DUNHAM. Yes.

Mr. SCHERER. Pardon me. Did I understand the witness to say he has no salaried employment?

Mr. TAVENNER. Yes.

Mr. SCHERER. What is his business or occupation at the present time?

(The witness conferred with his counsel.)

Dr. DUNHAM. I have no regular occupation.

Mr. TAVENNER. You said you had no salaried employment. What is your employment, whether it is salaried or not?

(The witness conferred with his counsel.)

Dr. DUNHAM. In the sense of employment, I have no occupation.

Mr. TAVENNER. Well, what is your source of income?

(The witness conferred with his counsel.)

Dr. DUNHAM. I have a small inheritance, on the income and capital of which I live.

Mr. TAVENNER. Now, it just seems to me that you are being evasive in regard to your employment. When you work, what do you do? Do you write? Do you teach, or what is it in general?

(The witness conferred with his counsel.)

Dr. DUNHAM. I do a little writing.

Mr. TAVENNER. It has been called to my attention that I failed to have counsel identify himself for the record.

Will you please do so?

Mr. DORFMAN. I am Philip Dorfman, 1604 Walnut Street, Philadelphia, Pa.

Mr. TAVENNER. Dr. Dunham, the committee is interested in the organization and operation of The Fund for Social Analysis.

I show you a copy of a mimeographed statement of The Fund for Social Analysis, dated January 1960. I invite your attention to the first paragraph on page 2, where you will see a list of the members of the Awards Committee.

(The document was handed to the witness.)

Mr. TAVENNER. You will see there a list of the members of the Awards Committee of The Fund for Social Analysis. Do you see it?

Dr. DUNHAM. I see it.

Mr. TAVENNER. You will note that the first name on the list is that of Barrows Dunham. Now, I hand you for comparison purposes another publication of The Fund for Social Analysis entitled "Statement of Awards Committee," issued in 1958. Will you examine it, please?

(The document was handed to the witness.)

Mr. TAVENNER. You will note that it also contains the list of those who are members of the Awards Committee. Do you see it?

Dr. DUNHAM. I see it.

Mr. TAVENNER. You will note that your name does not appear on that list, but that the name of Frank Coe does appear there.

(The witness conferred with his counsel.)

Mr. TAVENNER. Thus indicating that you replaced Frank Coe on the list. Is that correct that you did replace him?

(The witness conferred with his counsel.)

Dr. DUNHAM. Very well. At this point I am going to decline to answer any questions concerning the Fund on the following grounds: that they do not come within the competence of this committee; that they are asked in violation of the first amendment to the Constitution of the United States; and, having learned in recent years that silence is not only golden but constitutional, I seek, at this point, the immunity granted me by the fifth amendment to the Constitution of the United States.

Mr. TAVENNER. And by the fifth amendment, are you referring to that provision of the fifth amendment regarding the right of a person to refuse to testify in a criminal proceeding regarding a matter that might incriminate him?

(The witness conferred with his counsel.)

Dr. DUNHAM. Yes.

Mr. TAVENNER. We have seen from some of the documents that have been brought to the committee's attention regarding The Fund for Social Analysis that the Fund had sponsors. Will you tell the committee, please, what the duties or the purpose of sponsors of this organization were?

(The witness conferred with his counsel.)

Dr. DUNHAM. I decline to answer that question on the same grounds.

Mr. TAVENNER. Reference has been made to reports to the membership of this group. Is this a membership organization?

Dr. DUNHAM. My answer is the same as before.

Mr. TAVENNER. Are you now a member of the Awards Committee of The Fund for Social Analysis?

Dr. DUNHAM. I decline to answer on the same grounds as before.

Mr. TAVENNER. Have you any records in your possession or copies of correspondence or other documents of The Fund for Social Analysis?

(The witness conferred with his counsel.)

Mr. DORFMAN. Will you excuse me for a moment while I confer with the witness?

Mr. TAVENNER. Yes.

(The witness conferred with his counsel.)

Dr. DUNHAM. Will you restate the question, Mr. Tavenner, please?

Mr. TAVENNER. Will you read the question?

(The question was read by the reporter.)

(The witness conferred with his counsel.)

Dr. DUNHAM. My answer is I don't know.

Mr. TAVENNER. Would, by possibility, some of this correspondence relate to awards that had come before the Awards Committee for consideration?

(The witness conferred with his counsel.)

Dr. DUNHAM. I decline to answer this question on the same grounds as before.

Mr. TAVENNER. Where are the records to which you referred when you said you were not certain that you had them?

(The witness conferred with his counsel.)

Dr. DUNHAM. If there are any, they would be at my home.

Mr. TAVENNER. Mr. Chairman, I ask or suggest that the subcommittee consider issuing a subpoena duces tecum to require Dr. Dunham to produce copies of any correspondence which he has relating to the business and the affairs of The Fund for Social Analysis.

Mr. DORFMAN. Mr. Tavenner, I state for the record that, had I known that any correspondence was required for the purposes of this hearing, that they would have been produced voluntarily in compliance with his duties.

Mr. TAVENNER. Then may I say this: that, if the committee acts favorably on my suggestion, then counsel may send the letters to me for examination and then we can tell whether or not it is necessary to call Dr. Dunham back.

Mr. DOYLE. We can act on that right now.

Mr. SCHERER. I so move.

Mr. JOHANSEN. I second it.

Mr. DOYLE. It has been moved and seconded that the subpoena duces tecum be issued. All in favor say "Aye."

Mr. SCHERER. Aye.

Mr. JOHANSEN. Aye.

Mr. DOYLE. So directed.

You understand the question of counsel?

Mr. DORFMAN. Yes. May the record show that we will make a search for any correspondence that may exist, and if any does, I will have Dr. Dunham personally, or myself, submit it to Mr. Tavenner.

Mr. TAVENNER. Yes, and if you do have such documents, then we can determine whether it is necessary for the Doctor to come back.

Mr. DORFMAN. Yes.

Mr. TAVENNER. If I receive none from you, I think it will be necessary for the Doctor to come here and state under oath that he does not have them.

Mr. DORFMAN. I will communicate with you very promptly.

Mr. TAVENNER. Very well, sir.

Mr. DOYLE. May I ask this: I notice that the Doctor replied that, if he does have any, they are his personally. I understood him to so state.

Mr. DORFMAN. No, he did not so state, Mr. Doyle.

Mr. DOYLE. I stand corrected.

Mr. TAVENNER. Were minutes kept of the meetings of the Awards Committee?

(The witness conferred with his counsel.)

Dr. DUNHAM. I am declining to answer any questions relating to the functioning of the Awards Committee on the grounds previously stated.

Mr. TAVENNER. Who served as secretary of the Awards Committee?

Dr. DUNHAM. The same answer.

Mr. TAVENNER. Do you know the present location of records of the minutes of the Awards Committee, or in whose custody they may be? (The witness conferred with his counsel.)

Dr. DUNHAM. I don't know.

Mr. TAVENNER. How is that?

Dr. DUNHAM. I don't know.

Mr. TAVENNER. The two documents which I handed you I desire to offer in evidence and ask that they be marked "Dunham Exhibits Nos. 1 and 2," respectively.

Mr. DOYLE. So received and marked.

(Documents marked "Dunham Exhibits Nos. 1 and 2," and retained in committee files.)

Mr. TAVENNER. Doctor, you will note at the bottom of each of the two documents, if you will exhibit the documents to him, please, the address of Room No. 2800. Do you see that?

Dr. DUNHAM. Yes.

Mr. TAVENNER. Are you familiar with that address?

(The witness conferred with his counsel.)

Dr. DUNHAM. I will decline to answer on the same grounds as before.

Mr. TAVENNER. Is it not the law office of Isidore Needleman?

(The witness conferred with his counsel.)

Dr. DUNHAM. I decline to answer on the grounds previously stated.

Mr. TAVENNER. What is Isidore Needleman's connection with The Fund for Social Analysis?

(The witness conferred with his counsel.)

Dr. DUNHAM. The same answer as before.

Mr. TAVENNER. Did you receive any communications from him relative to the business of The Fund for Social Analysis?

(The witness conferred with his counsel.)

Dr. DUNHAM. Whatever correspondence relating to the Fund is in existence and is in my possession, I will produce.

Mr. TAVENNER. Yes, but I am asking you whether or not you received communications from Isidore Needleman regarding the business of The Fund for Social Analysis.

(The witness conferred with his counsel.)

Dr. DUNHAM. I will decline to answer that on the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Have members of the committee any questions of the witness?

Mr. SCHERER. Doctor, you said that you do writing. In what field?

(The witness conferred with his counsel.)

Dr. DUNHAM. Philosophy.

Mr. SCHERER. You are then a free-lance writer in this field?

(The witness conferred with his counsel.)

Dr. DUNHAM. Yes.

Mr. SCHERER. Could you tell us some of the publications for which you write?

(The witness conferred with his counsel.)

Dr. DUNHAM. I will decline to answer that question as not pertinent and also on the grounds previously stated.

Mr. SCHERER. Mr. Chairman, I certainly think the question is pertinent and ask that you direct the witness to answer the question.

Mr. DOYLE. You understood Mr. Scherer's question, did you not?

Dr. DUNHAM. I thought I did but perhaps it better be restated.

Mr. SCHERER. I merely asked for what publications you write.

(The witness conferred with his counsel.)

Dr. DUNHAM. I will decline to answer that on the grounds previously stated.

Mr. DOYLE. I will instruct you to answer that question. We believe it is pertinent.

Mr. SCHERER. Do you honestly—

Mr. DORFMAN. Mr. Scherer, I believe that Mr. Doyle has asked the witness a question.

Mr. DOYLE. No, I said I instructed him to answer the question, because the committee believes it is pertinent.

(The witness conferred with his counsel.)

Dr. DUNHAM. I am asserting my privilege under the fifth amendment.

Mr. SCHERER. Do you honestly believe that to tell this committee what publications you write for, might lead to a criminal prosecution? (The witness conferred with his counsel.)

Dr. DUNHAM. Well, yes, I do; and I have personal experience of the fact, in view of the fact that I was once brought to trial for a valid use of the fifth amendment.

Mr. SCHERER. What trial was that? I am entirely ignorant of any trial that you were involved in.

Dr. DUNHAM. In 1956 a trial for contempt of this committee. 1955. Excuse me.

Mr. SCHERER. Are these publications for which you write Communist publications?

(The witness conferred with his counsel.)

Dr. DUNHAM. I will decline to answer that question, seeking again the protection of the fifth amendment.

Mr. SCHERER. I have no further questions.

Mr. JOHANSEN. I have no questions.

Mr. DOYLE. I suggest, for the convenience of all concerned, that the hearing be postponed to a definite date, subject to the subpoena duces tecum and everyone's cooperation with regard to pertinent documents.

Mr. DORFMAN. With the understanding that we will be advised by Mr. Tavenner as to whether we are actually required to return.

Mr. TAVENNER. Yes.

Mr. DOYLE. That is right. Very well, Friday, June 16, at 2 o'clock in this room, the witness is directed to reappear, with the understanding that he does not need to appear if the documents are furnished Mr. Tavenner in the meantime.

Mr. DORFMAN. If we are required to, we will come back at any time you wish.

Mr. DOYLE. Thank you very much.

(Whereupon, at 2:40 p.m., Wednesday, June 7, 1961, the subcommittee recessed, to reconvene at 2 p.m., Friday, June 16, 1961.¹)

¹ The documents requested having been supplied by Dr. Dunham, the hearing scheduled for June 16, 1961, was canceled.

HEARINGS RELATING TO H.R. 4700, TO AMEND SECTION 11 OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950, AS AMENDED

(The Fund for Social Analysis)

WEDNESDAY, AUGUST 16, 1961

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a.m., in the Caucus Room, Old House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman of the committee) presiding.

Subcommittee members: Representatives Francis E. Walter, of Pennsylvania; Morgan M. Moulder, of Missouri; and Gordon H. Scherer, of Ohio.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Clyde Doyle, of California; William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; August E. Johansen, of Michigan; Donald C. Bruce, of Indiana; and Henry C. Schadeberg, of Wisconsin.

Staff members present: John C. Walsh, counsel, and Donald T. Appell, investigator.

The CHAIRMAN. The subcommittee will come to order.

This is a continuation of the hearings conducted on May 31, 1961, at which time Dr. Annette T. Rubinstein, accompanied by you as her counsel, testified with reference to the activities, grants, and money received by The Fund for Social Analysis, an unincorporated association doing business in the State of New York.

I realize that you were in the room at the time and familiar with the purposes of these hearings. However, so that there will be no question with reference to the pertinency of your testimony, I would like to state that the many hearings held by the committee over the past several years have documented the volume of Communist propaganda being printed in the Soviet Union and its satellite countries for dissemination in the United States. The method used to import this propaganda has also been documented. In an effort to curb this abuse, I have offered H.R. 5751, which is presently on Union Calendar. This bill is identical with the one which passed the House in the 86th Congress, but did not reach a vote in the Senate.

We do not believe that Communist propaganda will be fully con-

trolled by this bill, or for that matter by any bill. A Communist propaganda offensive is being waged both from without and from within this country in many different fields, and this committee has endeavored and will continue in its efforts to aid Congress in its consideration of necessary remedial legislation to control this Communist weapon.

Prior to 1947, scores of Communist-front organizations, engaged in propaganda activities, enjoyed tax-exempt status. Moneys donated to such organizations were deductible on the income tax returns of individual and corporate donors. In 1947, the Commissioner of Internal Revenue, acting on the findings of the Attorney General, removed the tax-exempt status of those organizations which the Attorney General found to be subversive.

This was thought to be the coup which would fold most of these subversive organizations, but as we know, it did not. Most of the organizations continued to flourish even at the start with a reduced budget. It was not until organizations were found to be subversive by the Subversive Activities Control Board that many ceased to exist, at least under the name by which they had been known for years.

However, even such a finding did not bring about the demise of the American Committee for Protection of Foreign Born. Newly named organizations are cropping up daily to replace those which have served their purpose.

None of these propaganda organs died from the lack of income. They were discontinued because they had served their purpose or because the citation as subversive removed their acceptability to the general public.

Years have now passed since the Attorney General has cited an organization as subversive. The limitation placed upon his office by the courts is having the effect of stopping further citations. The courts' delay in passing upon the provisions of the Subversive Activities Control Act of 1950, and the years it takes between a hearing before the Subversive Activities Control Board and the issuance of a final order, have all worked to the advantage of the Communist organizations. Therefore, the Commissioner of Internal Revenue needs authority to deny tax relief to these organizations immediately upon their formation.

However, denial of tax exemption has not and will never bring about the elimination of propaganda organizations. Preliminary investigations by the committee have uncovered the fact that one organization has solicited, over the period of less than 5 years, over a quarter of a million dollars. This money has been used almost exclusively in the dissemination of propaganda in defense of the Communist Party and its members, and in the furtherance of Communist Party objectives. Its principal income has not been taxable because it is derived from gifts or contributions. The organization does not seek tax exemption. It files a return which excludes gifts or contributions from tax computation. Thus, the expenses exceed the taxable income and no tax is due the United States.

We have found that many organizations engaged in subversive propaganda do not bother to even file a return. They, likewise, do not bother to maintain records and thereby place a burden on the Internal Revenue Service of proving the amount of income received

and the source thereof. In the case of one organization, when the Internal Revenue Service made inquiry as to why no return had been filed, it refused to make its records available for examination. By the time the Internal Revenue Service demanded the production of records, the organization had been abolished. Within months the same people, organized under a new name, were back working on behalf of communism.

Based on this preliminary evidence, I introduced H.R. 4700, to amend section 11 of the Subversive Activities Control Act of 1950. This legislation is designed to place in the hands of the Internal Revenue Service authority to proceed immediately against Communist-action, as well as Communist-front, organizations. It further provides that contributions made to such organizations shall be considered as taxable income, and further that money expended in carrying out subversive propaganda shall not be deductible.

An additional purpose of the hearing is to ascertain whether or not the witness, aside from any relationship he might have with The Fund for Social Analysis, is engaged in activities in behalf of the Communist Party of the United States or the international Communist movement.

The committee is not in any sense interested in restricting bona fide research and study of communism. In fact, it has encouraged an objective study and teaching of communism, so that America may better understand the problems that communism poses throughout the world.

We will proceed, Mr. Walsh.

Mr. WALSH. Mr. Needleman is the first witness.

The CHAIRMAN. Will you raise your right hand, please? You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NEEDLEMAN. I affirm.

On the question of the purposes of the hearing, may I ask this, please: Does the committee, since it started its investigation of the Fund, have any evidence that the Fund was in any way connected or dominated by, or connected with, the Communist Party? That would help me in determining whether a question is relevant and material.

The CHAIRMAN. We will develop that as we go along. I cannot give you an answer at this time.

Mr. WALSH. May the resolution authorizing the hearings and the appointment of the subcommittee be made a part of the record?

The CHAIRMAN. They may be.

(See pp. 5, 6.)

TESTIMONY OF ISIDORE GIBBY NEEDLEMAN, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. WALSH. What is your name, please?

Mr. NEEDLEMAN. Isidore G. Needleman.

Mr. WALSH. What does the "G" stand for?

Mr. NEEDLEMAN. G-i-b-b-y.

Mr. WALSH. Where do you live?

Mr. NEEDLEMAN. 110 36th Road, Forest Hills, Long Island.

Mr. WALSH. What is your occupation?

Mr. NEEDLEMAN. Attorney.

Mr. WALSH. Now, you are here pursuant to a subpoena, are you not, served upon you at your office, suite 2810, 165 Broadway, New York City?

Mr. NEEDLEMAN. That is correct.

Mr. WALSH. That is where you maintain your law office?

Mr. NEEDLEMAN. That is right.

Mr. WALSH. Now, The Fund for Social Analysis gave as its address 165 Broadway, and I ask you whether or not The Fund for Social Analysis had its offices in your law office?

Mr. FORER. Excuse me a second. Do you want the appearance of counsel noted?

Mr. WALSH. Pardon me. Would you give your name, sir, as counsel.

Mr. FORER. I didn't want to feel the committee had slighted me.

The CHAIRMAN. We have seen you so often, it is not necessary.

Mr. FORER. All right, then, but just for the record——

The CHAIRMAN. Let the record show that the witness is represented by Joseph Forer, an attorney at law, in the District of Columbia.

Mr. FORER. Thank you.

Mr. WALSH. Would you read back the question?

Mr. NEEDLEMAN. I remember it. It is whether The Fund for Social Analysis maintained its offices at 165 Broadway.

Mr. WALSH. In suite 2810.

Mr. NEEDLEMAN. The answer to that is "No," but just so that we don't get into an unnecessary hassle about it, it was suite 2800, where I once had my office. I just moved my office from 2800 to 2810. Mr. Chairman, on the question of proceeding with this hearing, as you have stated, I was here representing some clients on May 31, and I think this is an invasion of an attorney-client relationship to ask me to come down here.

As a matter of fact, I think it was done at Mr. Scherer's personal vendetta against me, and I think he has some kind——

The CHAIRMAN. Oh, no; you are wrong about that.

Mr. NEEDLEMAN. Because we had a run-in at the last hearing and I think he is gunning for me, and if that is the case, I don't think that the committee should be used for such personal vendettas.

The CHAIRMAN. Mr. Scherer didn't have you subpoenaed. You were subpoenaed as a result of action taken by the full committee and not acting on any recommendations made by the distinguished gentleman from Ohio.

Mr. NEEDLEMAN. A member of the Birch Society. That wouldn't make him so distinguished in my eyes.

The CHAIRMAN. Well, you are a member of the Communist Party, so that doesn't make you very distinguished either.

Mr. NEEDLEMAN. You have that evidence?

The CHAIRMAN. Go ahead, Mr. Walsh.

Mr. SCHERER. For the record, I am not now, nor have I ever been, a member of the Birch Society.

The CHAIRMAN. You are not a witness here.

Mr. SCHERER. Let us have the record clear, and I am not taking the fifth amendment.

Mr. WALSH. I want to assure you that no question which I will ask you will impinge upon your right and the privilege of client-and-attorney relationship.

The CHAIRMAN. I will take care of that, and I think I understand what the record shows.

Mr. NEEDLEMAN. You understand, of course, that not only was I representing certain people, but I am also, and I volunteer this information, counsel for the Fund.

Mr. WALSH. We are going to come to that. Now, what is your educational background, Mr. Needleman?

Mr. NEEDLEMAN. I went through high school.

Mr. WALSH. What high school?

Mr. NEEDLEMAN. Is that important? I went through high school.

Mr. WALSH. I want your background, that is all.

Mr. NEEDLEMAN. I am telling you, I went through high school, college, and law school.

Mr. WALSH. When were you admitted to the bar?

Mr. NEEDLEMAN. In 1932.

Mr. WALSH. Now, you stated that you are the attorney for The Fund for Social Analysis?

Mr. NEEDLEMAN. That is right.

Mr. WALSH. And The Fund for Social Analysis did have their offices at room 2800?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. How long a period did they have their offices in your office?

Mr. NEEDLEMAN. Since its very inception.

Mr. WALSH. When was that?

Mr. NEEDLEMAN. That I can't remember, but you must have that.

Mr. WALSH. It is an unincorporated association?

Mr. NEEDLEMAN. It is a loose group of people.

Mr. WALSH. Did you draw up the papers for its formation?

Mr. NEEDLEMAN. There were no papers. It was a loose association of people.

Mr. WALSH. Do you know an Irving Kaplan, who was the treasurer of The Fund for Social Analysis?

Mr. NEEDLEMAN. Now, Mr. Walsh, I represented Mr. Kaplan here, as a client, and I think that, there, clearly you are impinging upon the attorney-client relationship, and I ask, Mr. Chairman, that that question be withdrawn.

The CHAIRMAN. We are not going to permit any questions that will in anywise violate the well-known principles concerning the relationship of attorney and client. We don't think that this question does. Answer the question.

Mr. FORER. Excuse me one moment. Could the question just be changed to, if he knows Irving Kaplan, because as it is now worded, it includes a description from him which could have come as a confidential communication. Do you see what I mean?

Mr. WALSH. He appeared here as a witness—without getting in an argument with you.

The CHAIRMAN. Answer the question, do you know Irving Kaplan?

Mr. NEEDLEMAN. Yes; I do.

Mr. WALSH. Did you know him as the treasurer of The Fund for Social Analysis?

Mr. NEEDLEMAN. Now, I protest, again, against this question on the ground that it would be a violation of attorney-client privilege for me to discuss whether I knew Mr. Kaplan as a treasurer of the Fund.

Mr. WALSH. Do you know Harry Magdoff?

Mr. NEEDLEMAN. Yes, I do.

Mr. WALSH. Did he ever come into your office as an officer or a person interested in The Fund for Social Analysis?

Mr. NEEDLEMAN. I must again protest this question.

Mr. WALSH. Did you ever see him in your office in suite 2800 at 165 Broadway?

Mr. NEEDLEMAN. Yes, I have.

Mr. WALSH. Did you know a Dr. Annette T. Rubinstein?

Mr. NEEDLEMAN. As you know, I represented her, and I know her.

Mr. WALSH. Did you ever see her in your office in suite 2800 at 165 Broadway?

Mr. NEEDLEMAN. Yes.

Mr. WALSH. Did The Fund for Social Analysis have an office assigned to them in your office?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. What rooms did they use when they occupied and transacted business in your suite, 2800?

Mr. NEEDLEMAN. That presupposes something that is not necessarily true. Any discussion of what business they did or didn't transact, whether in my room or anything else, I object to on the ground that it is a violation of the attorney-client privilege.

The CHAIRMAN. Now, what was this last question?

Mr. NEEDLEMAN. I would like to have it read.

(The pending question was read by the reporter.)

The CHAIRMAN. Answer the question. This has nothing whatsoever to do with the relationship of attorney and client.

Mr. NEEDLEMAN. Whether they are meeting with me and discussing matters, that is an attorney-client relationship.

The CHAIRMAN. We are merely asking whether or not there was a meeting in your office attended by certain people.

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. Would you read that question?

(The pending question was read by the reporter.)

Mr. WALSH. Do you understand the question? Would you kindly read the question back, Mr. Reporter?

(The pending question was reread by the reporter.)

Mr. NEEDLEMAN. My suite 2800 consisted of one room, and when they met with me, it was in the capacity of an attorney-client situation, and not in the capacity of the Fund.

Mr. SCHERER. How do you explain then, Witness, that The Fund for Social Analysis used your suite as its headquarters and announced your suite as its headquarters on its stationery?

Mr. NEEDLEMAN. That was their mailing address, my office.

The CHAIRMAN. Were you a member of the organization?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Did they ever pay any rent to you for the use of the office, suite 2800?

Mr. NEEDLEMAN. No, sir. They never paid me a fee, either.

Mr. WALSH. Did they have any cabinets?

Mr. FORER. That is a little un-American, just between us.

Mr. WALSH. Mr. Needleman, were they privileged to have in your office, cabinets or filing cabinets?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Did they ever keep any books of account that you know of, in your office, not in your representative capacity, but did you see any books of account that they had?

Mr. NEEDLEMAN. No, sir. I don't know whether it would come under the category of books of account, but the bank statements used to come to my office.

Mr. WALSH. How about mail?

Mr. NEEDLEMAN. The mail used to come to my office, and I just indicated that.

Mr. WALSH. What did you do with the mail when it came to your office?

Mr. NEEDLEMAN. Well, I think that is a violation of the attorney-client relationship.

Mr. WALSH. To whom was the mail addressed when it did come?

Mr. NEEDLEMAN. The Fund for Social Analysis, suite 2800.

Mr. WALSH. Was it ever addressed to Annette Rubinstein?

Mr. NEEDLEMAN. To my knowledge, the mail—I didn't pay too much attention to every piece of mail, but since the address of the Fund was 165 Broadway, New York 6, suite 2800, that is the way I would say the overwhelming majority of the mail came, and if there were a letter addressed to an individual, it is possible, but I couldn't tell you that that was the fact.

Mr. WALSH. Where did you leave the mail in the office?

Mr. NEEDLEMAN. It was left on a table.

Mr. WALSH. And it was only one room?

Mr. NEEDLEMAN. That is correct.

Mr. WALSH. And then who would come in and pick up that mail?

Mr. NEEDLEMAN. Anyone could come in.

Mr. WALSH. Would Dr. Rubinstein come in and pick it up?

Mr. NEEDLEMAN. I couldn't tell you that.

Mr. WALSH. Did you ever see her come in?

Mr. NEEDLEMAN. No.

Mr. WALSH. Did you ever see Harry Magdoff come in and pick up any mail?

Mr. NEEDLEMAN. No.

Mr. WALSH. Did you ever see Irving Kaplan, the treasurer, come in and pick up any mail?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Addressed to The Fund for Social Analysis?

Mr. NEEDLEMAN. No. Well, now, Irving Kaplan would pick up, I saw him pick up the bank statements. Not always, but since you say "ever," I did.

Mr. SCHERER. Who handled the funds for this Social Analysis Fund?

Mr. NEEDLEMAN. I think that is an attorney-client privilege.

Mr. SCHERER. I ask you to direct the witness to answer.

The CHAIRMAN. You are directed to answer the question.

Mr. NEEDLEMAN. I think that is a clear invasion of an attorney-client privilege, as to who handled funds of an organization.

The CHAIRMAN. I have directed you to answer the question. Do you refuse to answer the question?

Mr. NEEDLEMAN. Just a moment. I will consult counsel. That is what I pay him for.

(The witness conferred with his counsel.)

Mr. FORER. Was the question, Who handled the funds?

Mr. SCHERER. Read the question back. Let us get the record straight.

(The pending question was read by the reporter.)

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. The only way I know, as an attorney, who was in charge of the funds or who handled the funds, is what one of the people told me, and I helped him fill out the bank cards and so on, that you have to submit to the bank, and I filled it out as an attorney. He came to me, and he said, "How do you open an account, and so on," and I think that that is a legal transaction that comes within the province of attorney-client relationship, and I ask you to reconsider, Mr. Walter, whether that isn't so.

The CHAIRMAN. No; I don't think it is. The mere mechanical operation of filling out of a deposit slip, in nowise—

Mr. NEEDLEMAN. Not a deposit slip, the opening of the account, and the consultation.

The CHAIRMAN. We are not asking you about anything except who handled the funds, that is all.

Mr. FORER. The only way he knows about it is what a client told him.

The CHAIRMAN. No; he sat in on this and he was a part of it.

Mr. NEEDLEMAN. I said I was not a member of the Fund and I am not a member of the Fund.

Mr. FORER. The reason he asked you to reconsider was that he is just informing you that the only way he knows the answer to this question is from what an individual to whom he was counsel, told him.

The CHAIRMAN. Well, the Chair doesn't think that this is a violation of the rule with respect to the relationship of the attorney-client and you are directed to answer the question.

Mr. FORER. I wonder if we could have time to research that. Mr. Needleman doesn't want to be in a situation where on the one hand he doesn't want to be in contempt of the committee, and on the other hand he doesn't want to violate his obligation as an attorney, and you are putting him in a pretty difficult situation.

The CHAIRMAN. I don't know who is going to be hurt when we find out who deposited the money and who handled the money.

Mr. FORER. He would be hurt if he violated the attorney-client privilege.

The CHAIRMAN. All right, answer the question.

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. Would you care to hold that in abeyance and I will write you an answer to that after I—

The CHAIRMAN. We have looked into this very question.

Mr. NEEDLEMAN. My answer is that I protest being compelled to talk about an attorney-client relationship, and that is the first ground

of my answer, and the second ground is that it is a violation of my rights under the first and fifth amendment to the United States Constitution.

Mr. WALSH. Mr. Needleman, a few questions back you said that the bank statements that came into the office were picked up by Irving Kaplan?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. Is that correct?

Mr. NEEDLEMAN. Yes, sir, I did.

Mr. WALSH. And do you know, without violating any confidence between lawyer and client, whether or not he was the treasurer of The Fund for Social Analysis?

Mr. NEEDLEMAN. Without violating confidence of attorney-client, I do not know.

Mr. WALSH. And Annette Rubinstein never told you that he was the treasurer?

Mr. NEEDLEMAN. Whatever she told me would be an attorney-client relationship, especially since I questioned her very thoroughly before I represented her before this committee on May 31.

Mr. WALSH. Other than the attorney-client relationship, have you any information or knowledge that you could give this committee as to whether or not Annette Rubinstein is a member of the Communist Party?

Mr. NEEDLEMAN. I do not know.

Mr. WALSH. Or was?

Mr. NEEDLEMAN. I do not know.

Mr. WALSH. Have you any information with reference to Harry Magdoff?

Mr. NEEDLEMAN. The same answer.

Mr. WALSH. That he was or is a member of the Communist Party?

Mr. NEEDLEMAN. The same answer.

Mr. SCHERER. What is the same answer?

Mr. NEEDLEMAN. That I do not know. He asked whether I knew she was a member of the Communist Party and my answer is, I do not know, and I do not know about Mr. Harry Magdoff.

Mr. WALSH. Do you know as to Irving Kaplan, whether he was a member of the Communist Party?

Mr. NEEDLEMAN. I do not know.

Mr. WALSH. Now, was any stenographic work done in your office by The Fund for Social Analysis?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Did they have a typewriter there?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. They had no books or records there?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. They had no filing cabinet there?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. The only thing that they did there was to pick up their mail?

Mr. NEEDLEMAN. That is correct.

Mr. WALSH. Did they ever have any meetings there of The Fund for Social Analysis?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Did you ever confer with them in your office, and I am now referring to Kaplan, Magdoff, and Rubinstein, in your representation as an attorney for them?

Mr. NEEDLEMAN. When they were subpoenaed, I represented Annette Rubinstein and they conferred in my office and I represented Irving Kaplan and they conferred in my office; and Mr. Magdoff was also under subpoena, and at one time there was a question whether I would represent him, and, in fact, I called this committee for an adjournment on his behalf, so that he consulted with me thereafter. Mr. Magdoff appeared by separate counsel.

Mr. SCHERER. You said they were in your office after they were subpoenaed by this committee. Weren't they in your office before that? (The witness conferred with his counsel.)

Mr. NEEDLEMAN. Well, as counsel for the Fund, I have consulted with them.

Mr. WALSH. In your office?

Mr. NEEDLEMAN. Sometimes in my office, and sometimes out.

Mr. SCHERER. No meetings were held in your office by The Fund for Social Analysis?

Mr. NEEDLEMAN. Not one, Mr. Scherer.

Mr. SCHERER. Where were the meetings held?

Mr. NEEDLEMAN. Don't say you don't believe me.

Mr. SCHERER. What is that?

Mr. NEEDLEMAN. Don't say you don't believe me.

The CHAIRMAN. Now, you are not a mind reader.

Mr. NEEDLEMAN. I am under oath.

Mr. FORER. To clarify the record, he did meet with them as an attorney, in the sense those might be meetings.

Mr. NEEDLEMAN. I already said that.

The CHAIRMAN. He stated that.

Mr. FORER. You were referring to any other meetings?

Mr. SCHERER. I think my question was plain.

Mr. TUCK. Did you say you were not paid any fee?

Mr. NEEDLEMAN. No, sir.

Mr. TUCK. Was any arrangement made for the payment of any fees?

Mr. NEEDLEMAN. No, sir; I decided that since all of the moneys that they collected went to awards, every penny, that no penny was paid to anyone for any kind of services, I decided that I would not bill them for my services.

Mr. SCHERER. Did you consider your services as a contribution on your part to the Communist Party?

Mr. NEEDLEMAN. No, sir.

Mr. SCHERER. Isn't that the truth?

Mr. NEEDLEMAN. That is not the truth, and it would just be like you to ask that kind of a question when you know there was not evidence to that effect.

Mr. SCHERER. Are you a member of the Communist Party?

Mr. NEEDLEMAN. That is not pertinent to this inquiry, is it?

Mr. SCHERER. Are you?

Mr. NEEDLEMAN. I don't want to tell you because it is not pertinent to this inquiry.

Mr. SCHERER. I ask you to direct the witness to answer the question.

The CHAIRMAN. We will get around to that in a minute. Go ahead, Mr. Walsh.

Mr. WALSH. Did you have anything to do with the preparation of any Federal income tax for the Fund?

Mr. NEEDLEMAN. No; I did not.

Mr. WALSH. Did the Fund ever file an income tax return?

Mr. NEEDLEMAN. There was a question raised by the tax people, and that matter was turned over to a tax attorney, whose name, by the way, slips my mind just now, but they had tax advice that they did not, under the setup they had, they did not have to file a return.

Mr. WALSH. Can you refresh your memory at this time and tell us the name of the attorney with whom they consulted with reference to income tax?

Mr. NEEDLEMAN. I really couldn't.

Mr. WALSH. Is he in the city of New York?

Mr. NEEDLEMAN. Let me tell you what happened. There was a taxman, a man from Internal Revenue came to my office and asked about the tax question, and I said I had nothing to do with the taxes and I was not a tax attorney, but I would communicate with my client, and let him know.

Mr. WALSH. With whom did you communicate?

Mr. NEEDLEMAN. Well, that, I think, is a privileged communication.

Mr. WALSH. You were merely telling them that the income tax people were coming in?

Mr. NEEDLEMAN. Whatever I was telling them is an attorney-client relationship, you would recognize that.

Mr. WALSH. Did you ever prepare any State income tax returns for them?

Mr. NEEDLEMAN. None.

Mr. WALSH. And you have no recollection, at this time, of the individual or the lawyer who did prepare the income tax or of conferences with the Internal Revenue?

Mr. NEEDLEMAN. I never had any conferences with the taxman, and I don't know who did consult them about the taxman.

Mr. WALSH. By taxman, you refer to the lawyer that they hired?

Mr. NEEDLEMAN. That is right.

Mr. WALSH. Can you get that information, and send it in, please?

Mr. NEEDLEMAN. I will try to get it for you.

Mr. WALSH. Did they have any original books of account that you told them to take to this attorney, who would prepare or would argue with the Internal Revenue, whether or not they should or should not file an income tax return?

Mr. NEEDLEMAN. I had nothing to do with that and I don't know of any.

Mr. WALSH. You never saw any books of account in your office?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. You never saw any resolutions with reference to the granting of moneys to individuals?

Mr. NEEDLEMAN. In my office; no, sir.

Mr. WALSH. Where were these papers kept, do you know?

Mr. NEEDLEMAN. I don't know. What papers are you referring to?

Mr. WALSH. The correspondence, resolutions, letters from The Fund of Social Analysis to a grantee, and that type of thing.

Mr. NEEDLEMAN. I don't know about that.

Mr. WALSH. Do you know who picked up the letters other than the fact that Mr. Kaplan did pick up the bank statements—these other letters?

Mr. NEEDLEMAN. I don't know.

Mr. WALSH. Did you ever forward these letters to—

(The witness conferred with his counsel.)

Mr. FORER. We are not clear what your question was, something about picking up mail?

Mr. WALSH. He has testified that a Mr. Kaplan did pick up bank statements, and I am now asking him who picked up the other letters that were delivered to his suite at 165 Broadway.

(The witness conferred with his counsel.)

Mr. FORER. I don't know whether the record shows an answer to that question.

Mr. WALSH. It doesn't as yet.

Mr. FORER. I didn't think that he answered it.

Mr. NEEDLEMAN. Previously I gave the answer to that question, that it violated an attorney-client privilege.

Mr. WALSH. I am asking whether you visually saw an individual come in the office and pick up the papers.

Mr. NEEDLEMAN. No, sir, if that is your question, the answer is "No," sir.

Mr. WALSH. Did you ever handle them yourself, these letters and correspondence, so addressed?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Have you ever interviewed any individuals who were seeking grants from The Fund for Social Analysis?

Mr. NEEDLEMAN. The answer I have to give is this: People would come up, and they had seen the advertisement, either in a learned journal or some other periodical, or on the bulletin board of one of the universities, and instead of writing, as the notice requested them to do, they would come up and see me.

Mr. WALSH. They would see you?

Mr. NEEDLEMAN. Well, I would be in the office, the only one, and I would say to them, "The procedure is for you to write a letter stating your qualifications, and then it will be processed and passed upon." And that is the only kind of interview I had. I never interviewed anyone as to his qualifications to receive a grant or as to his competence in any special field. All I did was tell them that this is the way you go about it.

Mr. WALSH. Did the people whom I have mentioned, Kaplan, Magdoff, and Rubinstein, confer with you as to the qualifications of an applicant for a grant?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. For how long, in years, have you been representing The Fund for Social Analysis?

Mr. NEEDLEMAN. Since it was founded about 21½ years ago, and I can't tell you the exact date.

Mr. WALSH. Now, could you tell us who was the first individual that came to you at that time and asked you whether or not you would represent The Fund for Social Analysis, as a lawyer?

Mr. NEEDLEMAN. There was no such arrangement, a single individual.

Mr. WALSH. You had known Irving Kaplan and Harry Magdoff and Annette Rubinstein for quite some time prior to the time that they came to you and asked for mailing space in your office?

Mr. NEEDLEMAN. Yes.

Mr. WALSH. How long had you known Annette Rubinstein prior to the time that they came to you to hire you as their attorney for The Fund for Social Analysis?

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. I have known her about 15 or 20 years.

Mr. WALSH. 15 or 20 years?

Mr. NEEDLEMAN. Yes, sir.

Mr. FORER. He has known her about 15 or 20 years.

Mr. WALSH. How long have you known Harry Magdoff?

Mr. NEEDLEMAN. I would say about 25 years.

Mr. WALSH. And Irving Kaplan?

Mr. NEEDLEMAN. Over 25 years.

Mr. WALSH. Have you ever heard, knowing these individuals as long as you have, that any of them, referring to Irving Kaplan, Harry Magdoff, and Annette Rubinstein, that they were members of the Communist Party?

Mr. NEEDLEMAN. I know that years ago there was such a charge, but I personally did not know that.

Mr. WALSH. Would you just inform the committee what you heard?

Mr. NEEDLEMAN. No, I will not inform the committee what I heard, because it goes back 25 years ago, and I don't know.

Mr. WALSH. Will you inform the committee as to the person you heard about?

Mr. NEEDLEMAN. There were hearings before this committee and there were hearings before other committees, and I know that they were in the press.

Mr. WALSH. Did you also hear that they took the fifth amendment at these various hearings, including this one?

Mr. NEEDLEMAN. I was there when they took it.

Mr. WALSH. You know that of your own personal knowledge?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. At the time that they came to you to represent them and The Fund for Social Analysis, were you a member of the Communist Party?

Mr. NEEDLEMAN. I don't see that that is pertinent, Mr. Walsh. Do you want to smear me now?

Mr. WALSH. I am not smearing anybody, I am asking you a question.

Mr. NEEDLEMAN. I don't think that is pertinent to the Fund.

Mr. SCHERER. I ask you to direct the witness.

The CHAIRMAN. You are directed to answer the question.

Mr. NEEDLEMAN. You would ask the chairman to send me to jail, if you could.

The CHAIRMAN. Well, answer the question.

Mr. NEEDLEMAN. Isn't that a fact, you are smiling, but that is a fact.

Mr. JOHANSEN. I will ask the chairman that the witness be directed to answer the question.

The CHAIRMAN. I directed the witness to answer the question.

Mr. NEEDLEMAN. I would like to consult counsel.

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. I respectfully decline to answer that question, first, on the ground that it is an attempt to expose me or smear me as an attorney, solely for the purpose of exposure, and it has no relevancy to this inquiry as to the Fund, and I indicated to the committee that I wasn't a member of the Fund and, therefore, whether or not I were a member of the Communist Party could not possibly affect your investigation of this Fund. So it is a smear and indirectly attempting to interfere with my attorney-client relationship.

I also decline to answer that question on the constitutional privilege of the first and fifth amendments.

The CHAIRMAN. This committee has been informed, and we have every reason to believe that our information is correct, that you, together with others, organized this Fund for Social Analysis, and we would like to know something about it. We have also received the allegation that you, and everyone connected with The Fund for Social Analysis, are Communists and it is our duty, under the mandate of the Congress, when this committee was constituted by unanimous vote, to look into this very question.

Is this allegation concerning you and your associates correct?

Mr. NEEDLEMAN. Now, Mr. Walter, whatever your rights may be to investigate people connected with the Fund——

The CHAIRMAN. I am not talking about rights now, I am talking about duties. Is our information, as a result of which you are here, is our information correct?

Mr. NEEDLEMAN. Mr. Walter, I can understand you have a duty, if you are investigating the Fund, to know about the Fund people.

The CHAIRMAN. Will you answer my question?

Mr. NEEDLEMAN. How does it affect me, who has told you that I was attorney for the Fund?

The CHAIRMAN. Will you answer my question? Is this allegation that you, and everyone connected with The Fund, got together and set up this organization and that all of you are Communists? Is that correct?

Mr. NEEDLEMAN. I will stick by the answer I just gave.

The CHAIRMAN. What is that answer?

Mr. NEEDLEMAN. Do you want me to repeat it or do you want to have him read it?

The CHAIRMAN. You declined to answer on the grounds of the first and fifth amendments of the Constitution?

Mr. NEEDLEMAN. That it is not relevant, material, and pertinent, and on the grounds that it violates my attorney-client privilege and it is an attempt to smear me and also on the first and fifth amendments.

The CHAIRMAN. It is not an attempt to smear you at all.

Mr. NEEDLEMAN. You don't need information as to whether I am a Communist, when you are investigating a fund, Mr. Walter. Don't kid me, or don't kid the public. This is an attempt to smear me.

The CHAIRMAN. What purpose would we have in smearing you? We are merely asking you.

Mr. WALSH. Mr. Needleman, did you know a man by the name of John Lautner, when he was head of the New York State Control Commission of the Communist Party in 1947 until he was expelled from the party, in 1950?

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. I will decline to answer.

Mr. WALSH. Do you understand the question?

Mr. NEEDLEMAN. Yes; and I decline to answer that question on the grounds previously stated.

Mr. WALSH. Were you a member of Section 22 of the Communist Party, when Sam Brown was the head of that?

Mr. NEEDLEMAN. Now, this is not a smear; is it?

Mr. WALSH. I am asking you a question.

Mr. NEEDLEMAN. What relevance has that question to the purposes enunciated by the chairman? I know you are asking me a question, but tell me what relevance it has? I am not a member of the Fund and I testified under oath I am not a member of the Fund.

Mr. DOYLE. May I ask, don't you think that under our assignment by Congress, that it is always pertinent for us to ask a man whether or not he is a Communist?

Mr. NEEDLEMAN. No; I do not.

Mr. DOYLE. Isn't that part of our duty?

Mr. NEEDLEMAN. No; I do not. As I understand it, a person has a right to be a Communist if he wants to be without this committee inquiring as to his political affiliations, and it is only when you have a legitimate legislative purpose.

Mr. DOYLE. I won't argue with you.

Mr. NEEDLEMAN. You mean you could pick a man off the street and call him in and say, "Are you a Communist?" Do you concede that to be your duty, Mr. Doyle?

Mr. DOYLE. No; of course not.

Mr. NEEDLEMAN. Well, that is what you are saying.

Mr. DOYLE. You know better than that.

Mr. NEEDLEMAN. That is what you said.

Mr. DOYLE. Why do you make light of a thing like that? You know better than that.

Mr. WALSH. Will you answer the pending question?

Mr. NEEDLEMAN. I decline on the same ground previously stated.

Mr. WALSH. When Mr. Lautner was the head of the State Control Commission of the Communist Party, did you intercede with him at a restaurant on 12th Street and University Place in the city of New York for a woman by the name of Miriam Moskowitz, who was the secretary to Abraham Brothman?

Mr. FORER. May we have the date when this was supposed to occur?

Mr. WALSH. In 1948.

Mr. NEEDLEMAN. I decline on the same ground.

The CHAIRMAN. Let us proceed, Mr. Walsh.

Mr. WALSH. I show you, Mr. Needleman, a photostatic document of a form which must be filed under the Foreign Agents Registration Act of 1938, as amended, with the Department of Justice, and ask you to look at that and tell me whether or not you recognize it; filed November 7, 1960.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. FORER. You are not going into a completely different organization, are you?

Mr. NEEDLEMAN. This is the Four Continent Book Corporation, and you are not investigating them at this moment.

Mr. WALSH. I am asking you whether or not you recognize the document?

Mr. NEEDLEMAN. I think clearly this question has nothing to do with this investigation, and it is practically an impertinent question, and certainly irrelevant and I decline to answer on that ground.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. DOYLE (presiding). You are directed to answer the question, Mr. Witness.

Mr. FORER. Are you the chairman now?

Mr. DOYLE. Just for a minute or two, while the chairman is busy in another part of the hearing room.

Mr. NEEDLEMAN. Yes; I recognize this document.

Mr. WALSH. May I have this document marked "Needleman Exhibit No. 1."

(Document marked "Needleman Exhibit No. 1," for identification purposes, and retained in committee files.)

Mr. NEEDLEMAN. Would you hold it a moment? I want to make a note of the exhibit.

Mr. WALSH. Exhibit No. 1 was filed on November 7, 1960.

Mr. FORER. That is a registration of the Four Continent Book Shop; is that right, a corporation?

Mr. WALSH. Yes.

Mr. FORER. A corporation to distribute books, or something?

Mr. WALSH. That is correct.

I now show you another photostatic document filed with the Department of Justice under the Foreign Agents Registration Act of 1938, and ask you whether or not you recognize that form filed November 25, 1960?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. NEEDLEMAN. Mr. Chairman, in answer to the question whether I recognize this, I would like you to take a look at it and see whether I am not correct in objecting to this on the ground that it is totally irrelevant to the purposes which you enunciated. It has to do with Four Continent Book Corporation and I would like you to look at it and see if it isn't irrelevant.

The CHAIRMAN. We are the judge of the pertinency of evidence, and we think that this is pertinent. If you don't care to answer it for constitutional reasons, that is your privilege, but as far as relevancy and pertinency are concerned—

Mr. NEEDLEMAN. It is a new corporation entirely, and you didn't even mention this company.

The CHAIRMAN. I understand.

Mr. NEEDLEMAN. The answer is "Yes."

(Document marked "Needleman Exhibit No. 2," for identification purposes, and retained in committee files.)

Mr. WALSH. And I show you page 3 of Exhibit 2, and ask you whether or not that is a photostatic copy of your signature there?

Mr. NEEDLEMAN. That is my signature.

Exhibit 2 was my own statement, is that right?

Mr. WALSH. Yes, as the agent for the Four Continent Book Corporation. Would you be kind enough to tell the committee what the Four Continent Book Corporation is and what it does?

Mr. NEEDLEMAN. I am the attorney for the Four Continent Book Corporation and it is a violation of my attorney-client privilege to discuss any dealings I have with them. Yes, I am on the board, too, but I am the counsel for them.

Mr. WALSH. I am not asking you what advice you give them, I am asking you what the Four Continent Book Corporation does and what its function is.

Mr. NEEDLEMAN. It sells books which it imports from Russia. It may import other books, I don't know, but I know the main part of its business is books imported from Russia, which it sells here.

Mr. WALSH. I notice on Exhibit 1, the following individual listed as director, pursuant to the Foreign Agents Registration Act of 1938: Serge P. Ushakoff.

Mr. NEEDLEMAN. Yes.

Mr. WALSH. He is president and treasurer; is he not?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. Who is he?

Mr. NEEDLEMAN. He is president and treasurer of Four Continent Book Corporation.

Mr. WALSH. What other business is he in, if you know?

Mr. NEEDLEMAN. I should say I knew he once was in the fur business, but at the moment that is the only business I know him to be in.

Mr. WALSH. How did he become president and treasurer of the Four Continent Book Corporation?

Mr. NEEDLEMAN. In the light of what I have told the committee, that I am counsel for Four Continent Book Corporation, is this a pertinent question, or is this a question that doesn't violate the attorney-client relationship?

The CHAIRMAN. I think it is entirely material, if you ask me.

Mr. WALSH. Are you not also a director of this Four Continent Book Corporation?

Mr. NEEDLEMAN. The same thing, the same answer, I object to it, it is irrelevant to the purposes of this inquiry, and it violates the attorney-client relationship.

Mr. WALSH. Now, Mr. Needleman, I also notice on Exhibit No. 2, under section 9, that you are also legal advisor to the Amtorg Trading Corporation, on a "per matter basis," is that true?

Mr. NEEDLEMAN. That is true.

Mr. WALSH. I also notice, sir, that on Exhibit 2, page 2, Question No. 5, which you are supposed to answer:

All clubs, societies, committees, and other nonbusiness organizations in the United States or elsewhere, including any active or reserve military or naval forces, of which you have been a member, director, officer, or employee during the past 2 years.

Your answer to Question 5 in Exhibit No. 2 is:

I INVOKE 5TH AMENDMENT AS TO THIS QUESTION.

Did you so state in this application?

Mr. NEEDLEMAN. Yes.

Mr. WALSH. I also note here that your full name is Isidore Gibby—

Mr. NEEDLEMAN. You knew it before, I told you.

Mr. WALSH. Did John Lautner also call you "Gibby" when you knew him, as I asked you before?

Mr. FORER. The record doesn't show it.

Mr. WALSH. He took the fifth amendment on that, and I am asking him whether John Lautner called him "Gibby".

Mr. NEEDLEMAN. I give the same answer to that as I gave when you asked me about Mr. Lautner.

Mr. WALSH. Is it true that the Four Continent Book Corporation imports all Soviet printed books and magazines into this country?

Mr. NEEDLEMAN. I have no objection to answering that.

Mr. WALSH. Which contain propaganda matter?

Mr. NEEDLEMAN. I don't read the stuff, but I still think this is going far afield, and has no relevancy to the purposes which you enunciated.

Now, Mr. Chairman—

The CHAIRMAN. Just a minute, this is directly to the point.

Mr. NEEDLEMAN. I am called in reference to the Fund.

The CHAIRMAN. Oh, no.

Mr. NEEDLEMAN. Do you want an answer to that. I will answer it and I don't want to get into an argument. What is the question, please?

(The pending question was read by the reporter.)

Mr. NEEDLEMAN. I know it imports books obtained from the Soviet Union, and I do not know what those books contain except that I have bought books that didn't contain Communist propaganda, like the dictionary, but beyond that, I do not know the contents of the books.

Mr. DOYLE. Is that the Soviet dictionary?

Mr. NEEDLEMAN. The Russian dictionary, Russian-English dictionary, and it has both. At one time I thought I would study Russian, but it is too hard.

Mr. WALSH. Mr. Needleman, on that first form, Exhibit 1, the name of the foreign principal, and I will have to just spell it, is Mezhdunarodnaja Kniga. Do you know who that is or what corporation it is?

Mr. NEEDLEMAN. Again, I want to say I have no objection to answering it, Mr. Walsh, but I think it is going far afield to ask—

Mr. WALSH. Will you answer the question?

Mr. NEEDLEMAN. —to ask the relationship between myself as an attorney for Four Continent Books. It is the organization, to the best of my knowledge, it is the organization that handles books; publishing—not publishing, but distribution of books from the Soviet Union.

Mr. WALSH. In other countries?

The CHAIRMAN. The distribution of books from the Soviet Union?

Mr. NEEDLEMAN. Yes, it handles books that are distributed from the Soviet Union, not only to the United States, but all over, and I understand that is the general distribution agency in the Soviet Union. This is based on hearsay, and I never met them.

Mr. WALSH. You are a director of this corporation?

Mr. NEEDLEMAN. I am a formal director, to make three.

Mr. WALSH. You are a director?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. But does this corporation that I have just spelled out for you, and I can't pronounce it, is that located in the Soviet Union?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. And does that corporation own any of the stock of the Four Continent Book Corporation?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Who are the principal stockholders of this Four Continent Book Corporation?

Mr. NEEDLEMAN. I believe only Mr. Ushakoff owns all of the stock, but don't hold me in contempt or perjury if Mrs. Ushakoff holds a few shares.

Mr. WALSH. She is also a director?

Mr. NEEDLEMAN. Yes, sir.

Mr. WALSH. Do you own any stock?

Mr. NEEDLEMAN. No, sir.

Mr. WALSH. Is it also one of the functions of the Four Continent Book Corporation to make purchases of books, magazines—technical and scientific and trade magazines—and send them to the Soviet Union or to this corporation which owns the Four Continent Book Corporation?

Mr. NEEDLEMAN. It used to do a lot of that, and I think it does not do as much now. I think we will refer to that big name as "MK," as it is generally known by, that this organization places orders direct with publishers here, but they do do some of it, still.

Mr. WALSH. Do you have anything to do with the placing of the orders with scientific magazines or business magazines?

Mr. NEEDLEMAN. Nothing.

Mr. DOYLE. Do you know the other continents to which these books are distributed through this corporation? What other continents, or is there any significance in its name, "Four Continent"?

Mr. NEEDLEMAN. No; they just happened to pick that.

Mr. DOYLE. It is just the United States?

Mr. NEEDLEMAN. Yes, sir.

Mr. FORER. I wish you would ask him, my curiosity is killing me, I want someone to ask him, why not five continents.

Mr. SCHERER. You can ask him.

Mr. NEEDLEMAN. I didn't represent them when it was incorporated.

Mr. WALSH. Are you now a member of the Communist Party, sir?

Mr. NEEDLEMAN. Smile when you say it. I will decline to answer on the same grounds previously stated.

The CHAIRMAN. Is that all?

Mr. WALSH. That is all.

Mr. DOYLE. I have a question. As you know, I was an attorney before I came to Congress about 15 years ago, and I am interested in your statement that you were counsel for these witnesses you represented here in May, and I was present part of the time.

When did the relationship of attorney and client between you and the Fund, which you have testified was a loose group—when was that relationship established?

Mr. NEEDLEMAN. Right from the organization of the Fund—from the commencement of the activities of the Fund.

Mr. DOYLE. When was that?

Mr. NEEDLEMAN. About 21½ years ago, and I don't want to be held to the date, and I can't recall the exact date.

Mr. DOYLE. Who was present at that organization meeting, besides you?

Mr. NEEDLEMAN. Several of the individuals.

Mr. DOYLE. Who?

Mr. NEEDLEMAN. I think as to that, it is an attorney-client relationship.

Mr. DOYLE. How did you know that the mail, which you stated Mr. Kaplan picked up on the table in a room in your office, was bank statements?

Mr. NEEDLEMAN. They come in a large yellow envelope, easily recognizable, and it has the bank name on it.

Mr. JOHANSEN. I have just one or two questions.

Over how long a period was the mail for The Fund for Social Analysis received in your office?

Mr. NEEDLEMAN. Ever since its inception, which I indicated my best recollection is about 21½ years.

Mr. JOHANSEN. And yet I want to establish that it is your testimony that at no time, never, did you see anyone pick up that mail?

Mr. NEEDLEMAN. That is correct.

Mr. JOHANSEN. Was it by prearrangement, so that you wouldn't be there when it was picked up?

Mr. NEEDLEMAN. No, sir.

Mr. JOHANSEN. That is all.

The CHAIRMAN. That is all. The committee will stand adjourned. (Whereupon, at 11:15 a.m., Wednesday, August 16, 1961, the subcommittee was recessed, subject to call of the Chair.)

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